



The State Bar of California

OPEN SESSION

AGENDA ITEM

7.3 NOVEMBER 2024

LEGAL SERVICES TRUST FUND COMMISSION, ELIGIBILITY AND BUDGET REVIEW COMMITTEE

DATE: November 1, 2024

TO: Members, Legal Services Trust Fund Commission, Eligibility and Budget Review Committee

FROM: Danielle MacRae, Lead Program Analyst

SUBJECT: Approve Pro Bono Allocation Test C Narrative for the 2025 IOLTA/EAF Grant Year

EXECUTIVE SUMMARY

At its August 9, 2024, meeting, the Legal Services Trust Fund Commission determined Qualified Legal Services Projects' (QLSPs) eligibility for the pro bono allocation. Two QLSPs—Lawyers' Committee of Civil Rights (LCCR) and Veterans Legal Institute (VLI)—applied for the pro bono allocation in counties that were inadvertently not brought to the committee and commission for review. Staff recommend that both be found eligible for the pro bono allocation in the relevant counties.

RECOMMENDED ACTION

Staff recommends the Eligibility and Budget Review Committee recommend Lawyers' Committee for Civil Rights (LCCR) and Veterans Legal Institute (VLI) eligible for the pro bono allocation.

DISCUSSION

The Interest on Lawyers' Trust Accounts (IOLTA) grant formula includes an additional allocation (10 percent of the funds in each county) for Qualified Legal Services Projects (QLSPs) that recruit "substantial numbers of attorneys in private practice to provide free legal representation to indigent persons or to qualified legal services projects" as their "principal means" of delivering legal services. ([Business and Professions Code sections 6214\(b\)\(3\)\(A\) and](#)

[6216\(b\)\(1\)\(B\).](#)) This is commonly referred to as the “pro bono allocation.” The pro bono allocation also allows organizations that qualify for it to use a different income eligibility threshold for services.

The Legal Services Trust Fund Commission approved ten QLSPs for the pro bono allocation at its August 9, 2024, meeting (see previous action). Two QLSPs—Lawyers’ Committee of Civil Rights (LCCR) and Veterans Legal Institute (VLI)—applied for the pro bono allocation in counties that were inadvertently not brought to the committee and commission for review.

Lawyers’ Committee for Civil Rights

LCCR applied for the pro bono allocation in eight counties, including Imperial. Upon initial staff review, it appeared that LCCR met the numeric tests (Test A and Test B) that find an organization eligible for the allocation without an analysis of the Test C narrative, so the organization’s application in Imperial County was not brought to the committee and commission for review; however, LCCR did not meet the threshold requirement that the organization recruit 30 attorneys, five percent of the attorneys in the county, or those attorneys donate a total of 1000 or more hours. Staff therefore should have brought the item to the committee and commission for review at the August meeting. However, just a few weeks later, upon request and recommendation of the commission, the State Bar Board of Trustees¹ moved the effective date of new State Bar Rules that remove the need to meet the threshold requirement from January 1, 2025, to July 18, 2024; thus the threshold requirement no longer applies.

The number of total volunteer hours (1006) well exceeded the number of paid legal services hours (312), and the number of volunteer hours was greater than paid staff hours in each of the staffing categories collected (attorneys, paralegals, and law students). With the threshold requirement no longer in place and given the strong volunteer support LCCR receives in Imperial County, staff recommend LCCR be found eligible for the pro bono allocation in Imperial County.²

Veterans Legal Institute

Prior to the August 9, 2024, commission meeting, State Bar staff conducted a final review of some aspects of the IOLTA/EAF applications to ensure they were correctly and completely submitted. In doing this review, staff reopened some organizations’ applications for corrections, including VLI’s. VLI, while making requested edits related to county expenditures, determined it wanted to apply for IOLTA/EAF funding in additional counties. In doing so, VLI also applied for the pro bono allocation under the Test C narrative in additional counties – Riverside and San Bernardino. State Bar staff were not made aware of these changes to VLI’s

¹ See State Bar Board of Trustees, September 18-19, 2024, meeting agenda.

<https://calbar.primegov.com/Portal/Meeting?meetingTemplateId=363>

² Staff calculated the allocation as if LCCR were eligible for the pro bono allocation in Imperial County but can and will adjust the allocation amounts for impacted QLSPs should the committee and LSTFC disagree with staff’s recommendation.

pro bono allocation application and therefore did not bring VLI's narratives for these counties to the committee or commission for review. Upon staff review, the narratives reasonably speak to VLI's use of pro bono attorneys, paralegals, and particularly law students to expand the organization's reach. The narrative explanation is similar to that in other counties for which VLI was already found eligible for the allocation. Staff recommend VLI also be found eligible for the pro bono allocation in San Bernardino and Riverside Counties.³

PREVIOUS ACTION

[Approve Recommendations Regarding IOLTA/EAF Applicants' Eligibility for Pro Bono Allocation in 2025 Grant Year](#)

(Legal Services Trust Fund Commission, August 9, 2024)

RESOLUTIONS

Should the committee concur with staff recommendations, it is:

RESOLVED, that the Legal Services Trust Fund Commission Eligibility and Budget Review Committee recommends the following IOLTA/EAF pro bono applicants be found eligible for the 2025 pro bono allocation:

1. Lawyers Committee for Civil Rights (Imperial County); and
2. Veterans Legal Institute (San Bernardino County and Riverside County)

ATTACHMENT(S) LIST

- A.** Applications for Pro Bono Allocation

³ Staff calculated the allocation as if VLI were eligible for the pro bono allocation in San Bernardino and Riverside Counties but can and will adjust the allocation amounts for impacted QLSPs should the committee and LSTFC disagree with staff's recommendation.

Veterans Legal Institute (Riverside County)

Does the organization annually recruit at least 30 attorneys, OR recruit at least five percent of the licensed attorneys in the county served, OR receive at least 1,000 hours of donated legal services from volunteer attorneys in this county?				Yes
	# of People (Paid) Services Hours	# of Legal Services Hours Paid	# of People (Volunteer)	# of Donated Legal Hours
POSITIONS				
Attorneys	8	3,328	41	260
Paralegals	3	1,248	1	184
Law Students	0	0	5	840
TOTAL	11	4,576	47	1,284

Test C Narrative

Pro bono attorney assistance is central to VLI's ability to provide free legal services. VLI's pro bono legal clinic program, which assisted over +400 clients across 80 clinics in 2023 alone, could not have been made possible without the support from over +20 dedicated pro bono attorneys in comparison to just five VLI staff managing the clinics. In addition, hundreds of pro bono attorneys throughout the community receive VLI's case list on a monthly basis, which is an email newsletter containing case opportunities for local, indigent veterans. This case list significantly expands VLI's ability to deliver substantial legal aid throughout the community by leveraging pro bono attorneys and their staff to assist indigent veterans who seek VLI's help. Veterans Legal Institute (VLI) believes its principal means of delivering legal services is the coordination and recruitment of substantial numbers of attorneys in private practice to provide free legal representation to indigent persons in California. As the table shows, there is a notable difference in the number of VLI paid staff to volunteers. VLI relies on pro bono attorneys as a larger part of its overall model. Given its humble staff size, VLI works with multiple law schools and law students to supervise work to have an exponential impact. Yearly, VLI supports dozens of law clerks from around the nation. While law students are limited in the hours they can work given their school schedule, many of them come to VLI to get personal supervision and help veterans in need while learning about the law. As a result, many clients who have short term needs including research, assistance with filling out forms or drafting declarations, referral requests, or other minor tasks, are able to get quick service bylaw clerks supervised by VLI attorneys. VLI supports a large number of law clerks each year given its small staff size to ensure greater legal services to its clientele. VLI's humble staff also

places its time and resources in providing technical support and educational assistance to its volunteers. Many volunteers request trainings in, among other areas, discharge upgrades, veteran benefits and military cultural competency that the VLI staff assists with. In turn, these attorneys assist a larger amount of clientele than one VLI attorney can assist on his/her own. Paid VLI staff can only cover so many areas of the law and pro bono attorneys offer different diverse sets of experience. Therefore, VLI seeks out experts in different areas to accept cases pro bono so that more clients receive pointed and experienced assistance. Also, these pro bono attorneys leverage their own firm's paralegals, research, and technology, which substantially expands VLI's impact in serving more indigent veterans. All numbers reported are estimated numbers for hours and numbers of pro bono attorneys, pro bono paralegals, and pro bono law students serving indigent clients during 2023 for Orange County. VLI has worked with the State Bar on reporting pro bono hours. VLI reaches out regularly to pro bono attorneys by email and phone in order to get updates on their cases which includes closing information about their outcomes/benefits achieved and number of pro bono hours. These hours are tracked in Clio, VLI's case management system. VLI also tracks pro bono attorney and volunteer hours in clinic rosters. All clinics are designed to serve indigent veterans. Staff attorneys provide direct legal services to clientele including in the areas of family law, discharge upgrades, veteran benefits, landlord tenant, estate planning, and more. VLI staff attorneys and volunteers review applications, compile facts and documents related to the legal issue, and create summaries. These summaries are case listed and distributed by email to VLI's pro bono attorney network. VLI staff attorneys also reach out personally to pro bono attorneys to warmly place cases. Pro Bono attorneys provide advice and counsel, document preparation, mediation, and representation. Also, pro bono attorneys lead clinics for Wounded Warriors, estate planning, family law, and the VA Hospital in Long Beach. Because the pandemic placed our veterans at even greater risk of homelessness and suicide, VLI's pro bono network was life-changing for our indigent veterans. These pro bono attorneys have special expertise, often being veterans or military family members themselves. Understanding the escalating confusion and anxiety brought on by the pandemic, these pro bono attorneys stepped up quickly to support VLI's switch from in-person clinics to virtual clinics so that free legal aid would continue without interruption. These pro bono champions were able to continue advocating for veterans, taking on cases and speaking with opposing parties, in order to ensure access to justice despite critical needs for pandemic parenting plans, patchworks of eviction projections, and job losses.

Veterans Legal Institute (San Bernardino County)

Does the organization annually recruit at least 30 attorneys, OR recruit at least five percent of the licensed attorneys in the county served, OR receive at least 1,000 hours of donated legal services from volunteer attorneys in this county?				Yes
	# of People (Paid) Services Hours	# of Legal Services Hours Paid	# of People (Volunteer)	# of Donated Legal Hours
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