

Civil Council Agenda

JUNE 12, 2017 4:00 – 5:30 P.M. EST (1:00 – 2:30 P.M. PST)

TELECONFERENCE 866-352-0426 CODE: 5908752400

1. Introductions
2. Adoption of Minutes of November 8, 2016 meeting and April 18, 2017 teleconference meeting of the Civil Policy Group
3. Resources Committee
 - Basic field and agricultural worker census redistributions
 - Bank of America settlement distributions
 - Initiative on non-LSC federal funding
 - LSC FY 2018: outlook and campaign to save LSC
 - New engage website to support campaign
4. Regulations Committee
 - LSC regulatory and policy developments: grant conditions; Performance Criteria 4; Regulation 1630 and Property Acquisition and Management
5. Recruitment and Retention Committee
 - Student loan update; Public Service Loan Forgiveness
6. ABA ethical rule on advancing money to clients (Model Rule 1.8(e))
7. Native American issues
8. Update on board and CPG restructuring/elections/Council planning
9. Other/new business

Civil Council Report

JUNE 7, 2017

Attached is an overview of some of the items we plan to cover during the teleconference meeting of the Civil Council on Monday, June 12 at 4 PM EDT (1 PM Pacific), arranged pursuant to NLADA's strategic plan. The report builds upon the April report submitted prior to the last teleconference by the council, and includes activities during the interim.

Strategic Plan Priorities Relevant to Civil Report

STRATEGY II: PROMOTE POLICIES THAT ADVANCE JUSTICE FOR LOW INCOME COMMUNITIES

Long-term Objective 2.a. Maximize LSC Funding & Limit Restrictions

- **LSC Funding and Policies**

FY 2018 –The White House released on May 23 its full budget proposal for FY 2018, building on the budget blueprint for discretionary spending that was released in March that recommended the elimination of the Legal Services Corporation (LSC). That recommendation is unchanged in the formal White House submission, which also outlines dramatic changes to mandatory spending on safety net programs that meet the basic human needs of low-income Americans.

Hundreds of billions of dollars in cuts to Medicaid, the Supplemental Nutrition Assistance Program, and Social Security Disability are among the harshest of the administration's proposals to slash the federal budget over the next decade. This budget is just the first step in a lengthy congressional process. The budget passed by Congress rarely mirrors the recommendations of the White House. It is not at all clear that Congress will acquiesce to these extreme proposals. Members from both parties have already expressed concern about the level and targets of the proposed budget cuts.

The next milestone of direct consequence for LSC will be when overall spending levels in the House and Senate are determined, at which point the appropriations committees will decide the spending caps for each of the 12 appropriations subcommittees that determine discretionary spending. LSC's funding is determined by one of these subcommittees: Commerce, Justice, Science and Related Agencies.

Advocacy Initiatives

Congress continues to demonstrate strong, bipartisan support for the Legal Services Corporation. A "Dear Colleague" letter in the House in support of LSC attracted 148 signatures, including 11 Republicans, with two more Republicans writing separate letters.

In the Senate, an equivalent letter was signed by 41 Senators, including three Republicans. This is a direct result of a national effort to educate members of Congress about the vital role that

civil legal aid plays in communities across America. Letters signed by private law firms and corporate counsel continue to add signatories, the American Bar Association recently brought hundreds of lawyers to Washington to advocate as part of "ABA Day" and, earlier this week, [32 state Attorneys General](#) submitted a letter to appropriations committee principals urging them to oppose the Trump budget cuts.

In support of its proposal to eliminate LSC, the administration argues that "the proposed elimination will encourage nonprofit organizations, businesses, law firms, and religious institutions to develop new models for providing legal aid, such as pro bono work, law school clinics, and innovative technologies". Many of these groups and institutions have already publically argued that their ability to contribute to the civil justice system depends, in part, on the existence of the Legal Services Corporation.

NLADA is excited to be working with Lisa Foster, former head of the Office for Access to Justice in the U.S. Department of Justice as a consultant on our education campaign aimed at preserving and protecting LSC. Lisa brings enormous skills, experience, and influence to her new role at NLADA.

Grassroots Advocacy Tool

NLADA has initiated the launch of a new online tool that is intended to broaden the scope of advocacy to the constituent level, with a particular focus on clients and former clients. The site provides simple ways to contact Congress and basic educational information about LSC and legal aid. NLADA is currently collecting feedback from selected members of our network, and will launch publically when that feedback is received and incorporated. The site can be accessed at www.actionforequaljustice.org, but this name is likely to change.

STRATEGY I: STRENGTHEN CIVIL LEGAL AID AND PUBLIC DEFENSE SYSTEMS TO THRIVE IN THE CHANGING LANDSCAPE

Long term Objective 1.b. Promote high quality civil legal aid services while supporting accountability and compliance

- **Equal Justice Conference 2017**

Over 950 equal justice advocates and stakeholders attended the ABA/NLADA Equal Justice Conference in Pittsburgh on May 3 – 6. The conference included over 85 workshop sessions relevant to the partnership work of attendees from legal aid programs, the private bar, judiciary, law schools, court administrators and other sectors of the equal justice community. NLADA hosted two preconferences, one aimed at providing the legal aid community with up-to-the-minute status reports on the effort to save LSC in the 115th Congress, while the other provided intensive training for providers in gaining access to non-LSC federal funding. Participants heard moving keynotes from ABA President Linda Klein and Nicole Austin-Hillary from the Brennan Center for Justice.

- **Comments submitted to LSC regarding proposed revisions to Performance Area 4, “Effectiveness of governance, leadership, and administration” of LSC Performance Criteria**

LSC is in the process of revising the Performance Criteria that it uses to evaluate the quality of legal assistance provided by its grantees. The Performance Criteria, developed with significant input from the field, is divided into four major areas. The first area LSC has revised is Performance Area 4, “Effectiveness of governance, leadership, and administration,” which addresses the operations of board of directors of LSC programs.

On June 5, 2017 NLADA submitted public comments regarding LSC’s proposed additions <http://www.lsc.gov/about-lsc/matters-comment>. NLADA collaborated with Patti Pap and Cesar Torres who prepared comments on behalf of the Management Information Exchange (MIE). NLADA and MIE expressed the concerns of many programs funded by LSC who sent comments to MIE and NLADA about the Criteria and concurred with each other’s comments. We raised numerous points regarding LSC’s proposed additions and suggested that LSC conduct workshops or public forums to receive further input from the field on the impact of its proposed revisions. Both NLADA and MIE strongly recommended that LSC the Performance Criteria, use the Criteria as guide for best practices not a compliance tool, particularly because LSC has added extensive proposed areas of Inquiry.

- **LSC Proposed 2018 LSC Grant Terms and Conditions**

Starting with grant year 2018, LSC proposes renaming the Grant Assurances for the Basic Field Grant program as the Grant Terms and Conditions (GTC). Although not required, LSC provided an [opportunity for public comment](#). NLADA submitted [public comments](#) to LSC on May 22. NLADA's comments included a recommendation that the sections regarding LSC's access to records that referenced attorney client privilege in 2017 Grant Assurances continue to be included in the GTC.

- **LSC Board Meetings**

Don Saunders and Robin Murphy attended the LSC board meeting in April 2017 held at LSC headquarters in the District of Columbia in April 2017 and a telephonic board meeting of the Operations and Regulations committee on May 23, 2017.

LSC Board Meeting in the District of Columbia

The board of the Legal Services Corporation met in Washington, DC April 23-26. Highlights of the meeting included presentations by Carlos Manjarrez, Director of the Office of Data Governance and Analysis; LSC’s Office of Legal Affairs (OLA), LSC management's recommendations for rulemaking activity in the coming year. The Board approved LSC’s request to issue a Notice of Proposed Rulemaking (NPRM) for proposed regulatory revisions to 45 CFR 1629, Bonding of Recipients and publication of the final revisions to 45 CFR 1609, Fee Generating Cases. President Sandman provided a comprehensive report to the board on Leadership Transitions at LSC Grantees, Improving Outreach, Achieving 100% Access to Justice, 2016 Grant Activity Reports and Rethinking Measurement of Grantee Productivity.

Telephonic Meeting of LSC Board Operations and Regulations Committee

On May 23, the Operations and Regulations Committee met to review LSC's proposed final rules on revisions to 45 CFR 1630, Cost standards and Procedures and the Property Acquisition Management Manual (PAMM). The Office of Legal Affairs also submitted a detailed [memo](#) discussing the public comments they received and the revisions OLA had made since the public comment period ended on January 6, 2017.

After OLA's presentation, Robin Murphy presented oral comments. Murphy thanked LSC and its board for agreeing to an extensive comment process that permitted the field to provide significant input on LSC's proposed revisions and holding public workshops so field programs could discuss their concerns with LSC and its board and explore ways to resolve these concerns. She expressed appreciation to LSC for making a number of changes to its initial proposed revisions to 1630 and the PAMM in response to the public comments, and highlighted several remaining concerns with the current draft of the rules. LSC proposes to incorporate the PAMM into the regulation and create another regulation, 45 CFR 1631. Concerns focused on issues with the proposed prior approval requirements and revisions to questioned cost proceedings.

Long-term Objective 1.c. Help programs grow and diversify (non-LSC) federal funding and capacity to meet civil legal needs

- **Second Distribution of Bank of America Settlement Funds**

NLADA has been engaged in Congress, and with the IOLTA community and our member programs to advance the distribution of a second phase of settlement money from the multi-billion dollar settlement negotiated by the U.S. Department of Justice with Bank of America related to bad mortgage lending practices. A significant amount of the settlement was directed toward legal aid programs to support “foreclosure prevention” and “community redevelopment” activities. The settlement money is distributed through IOLTA programs nationwide.

The first settlement distribution to legal aid provided a \$30 million direct allocation under the terms of the agreement. A second provision of the agreement allocated an additional \$367.5 million to legal aid if a temporary tax relief provision exempting foreclosure relief payments to homeowners from income taxes was extended by the end of 2015. Such a provision was included in the Tax Extender legislation that passed the Congress in December 2015, thus resulting in the allocation to legal aid.

Settlement monitor Eric Green has finalized the process of distributing the settlement funds to the IOLTA programs across the nation. Most of those programs are well into the first phase of the distribution.

NLADA has been working closely with IOLTA leaders and the legal aid field in communicating about the settlement and in helping states decide how to allocate the resources most effectively, particularly with respect to the relatively new provision regarding “community redevelopment.” Don Saunders provided field input during a plenary session of the National Association of IOLTA Programs/ABA IOLTA Commission at their joint annual meeting in August in

San Francisco and connected again in February in Miami. Radhika Singh Miller and Saunders provided a memo to IOLTA programs and the field regarding how states were approaching distribution issues ([click here to access the full memo](#)). We also have been providing a significant amount of technical assistance and training around the country regarding the BoA settlement.

Attorney General Jeff Sessions announced on June 7 that the Department of Justice would discontinue the payment to third party organizations and advocacy groups, as a result of Republican opposition to terms such as those included in the Bank of America settlement by the Obama Administration.

- **Support for civil legal aid's advancement of federal objectives**

Update on U.S. Department of Justice Office for Access to Justice (DOJ ATJ) and the Legal Aid Interagency Roundtable (LAIR)

We continue to coordinate with DOJ ATJ and LAIR activities. Rachel Brand was sworn in as Associate Attorney General in May, and we anticipate that appointments of assistant attorneys general and directors will soon follow. Maha Jweied remains the acting director of DOJ ATJ and we are working closely to help demonstrate the significance and relevance of that office to the administration, to solidify a base for its continued existence.

We also continue to coordinate to demonstrate legal aid's contributions to LAIR "deep dives." These emerging issue areas so far include: reentry, veterans and servicemembers, and victims of crime (specifically domestic violence and trafficking).

Overview of 2017 Appropriations and 2018 Budget Request

We are following the federal budget for both FYs 2017 and 2018 closely, and understand it may impact the monetary resources available through non-LSC federal programs. Here is a quick overview of some of the programs relevant to civil legal aid:

- **Medical-Legal Partnership**

HRSA funding for health centers' provision of primary care is maintained at \$1.39 million. However, the administration recommends zeroing out funding through the Affordable Care Act, which would result in a loss of \$3.6 million for health centers. This loss would have a huge impact on health centers' decisions on whether and how to spend money on medical-legal partnership.

- **Victims of Crime and Domestic Violence, and Human Trafficking**

VAWA: The 2017 appropriations includes \$481.5 million for VAWA programs (\$326 million is from the Crime Victims Fund, so \$155.5 million is a direct appropriation). \$45 million is for the Legal Assistance for Victims (LAV) program, and \$45 million to Victims of Trafficking.

The administration's 2018 request includes \$480 million for VAWA programs, with \$445 million coming from the Crime Victims Fund, leaving only \$35 million as a direct appropriation. This use of CVF money is concerning because it does two things: (1) reduces the amount of funds available for VOCA programs; and (2) reduces the appropriations for VAWA programs while

making it seem like the programs are fully funded. In fact this is a net loss of funding for programs for victims. We are working with the National Task Force Against Domestic Violence and Sexual Assault to coordinate messaging and education efforts around the true impact of this practice.

VOCA: The 2017 appropriation includes \$2.573 billion from the Crime Victims Fund, but uses \$326 million of that for VAWA programs, leaving \$2.247 billion for all OVC programs, which includes Vision 21, the office's discretionary programs, Victim Compensation funds, and Victim Assistance Formula Funding. This probably will see about \$1.5 billion go to Victim Assistance funding (this is a decrease from 2016 levels).

The administration's 2018 request includes \$3 billion from the Crime Victims Fund, but uses \$445 million for VAWA programs and \$165 million for the Office of Justice Programs (of which \$45 million is for the Victims of Trafficking program). Additionally, \$25 million is set aside for Vision 21, \$150 million for tribal victims assistance grants, and \$10 million for DOJ's Office of the Inspector General. This leaves about \$2.25 billion for OVC's discretionary programs, Victim Compensation and Victim Assistance Formula funding, so we probably will see around the same amount, \$1.5 billion for Victim Assistance funding.

- **Reentry**

The 2017 appropriations included \$68 million for Second Chance Act programs from the Department of Justice and \$88 million for reintegration programs from the Department of Labor. The administration's 2018 request includes \$48 million for DOJ Second Chance Act programs (a \$20 million cut), but would maintain DOL funding at \$88 million.

- **Housing**

The 2017 appropriations \$310 million for the Emergency Solutions Grants Program and \$2.018 billion for Continuum of Care and Rural Housing Stability Assistance Programs. The 2018 request includes \$250 million for ESG and \$1.98 billion for Continuum of Care and Rural Housing Stability Assistance Programs.

The 2017 appropriations included \$65.3 million for fair housing activities, and the 2018 request maintains that amount, with \$39.2 million for the Fair Housing Initiatives Program.

- **Major Block Grants of Interest**

SSBG: 2017 appropriations came in at \$1.7 billion. The 2018 request maintains this level of funding.

CDBG: 2017 appropriations maintained funding at \$3 billion. The 2018 request zeroes out this funding.

NLADA Civil Legal Aid Initiative Enters Next Phase

Over the last few months, we wrapped up grants from the Kresge and Public Welfare Foundations, which funded our work to Expand Funding Opportunities for Civil Legal Aid over

the two-year period 2015-2016, and submitted proposals to the Kresge and Public Welfare Foundations for renewal funding over the next two years (2017-2018), for the Initiative's next phase. We have received an award from the Public Welfare Foundation and expect to hear from Kresge in early May.

The next phase of the Initiative will focus on ensuring we continue the work of integrating civil legal aid into programs to help advance federal goals that serve low-income people and communities. As part of this work, we are following closely the federal budgeting process and the priorities of various federal agencies as they emerge. We will prioritize our work based on the following criteria:

- Percentage of LSC funding: A number of civil legal aid providers have been steadily increasing their non-LSC federal grants, with 20-30% of their 2016 funding coming from these sources. However, there remains an essential need to diversify for many civil legal aid providers. The 2015 average for LSC-funded programs was 10.7% (a growth from 2014's 9.6%).¹ Previously, we have had a broad geographic focus, with a more passive approach to technical assistance. In contrast, this Initiative will drill down and focus on programs in states most in need of diversifying funding.
- Room for growth within existing programs: In addition, programs that serve veterans and victims of crime, and fund Community Health Centers receive strong bipartisan support, and likely will continue to receive funding. They hold great potential in the coming months. Previously, we have provided broad technical assistance on these programs. In contrast, this Initiative will identify providers that are not pursuing specific related opportunities in their state/locality and facilitate partnerships and collaboration to support their successfully gaining access to those opportunities.
- Block, formula and state grant funding: A priority focus of this Initiative will address the significant portion of federal funding that currently is issued to states and municipalities as block grants. Our previous efforts focused on emerging opportunities, such as the \$2.5 billion available through Victims of Crime Act Victim Assistance Formula grants, which contributed to millions of additional dollars to collaborations including civil legal aid. It is possible that additional programs may be block-granted as part of the new government's budgetary approach. This Initiative will provide intensive training on block and formula grants and support statewide coalitions that advocate for funding through both longstanding and potentially new funding streams.

The Initiative also will contract with Karen Lash, who recently became a part-time Practitioner-in-Residence at the American University School of Public Affairs Justice Programs Office, where she is launching the Project for Collaborating with Legal Aid to Support Public Programs (CLASPP). Over the next two years, Karen will work to develop state and local executive branch strategies for incorporating legal aid into government programs, policies and initiatives that serve low-income and underserved populations. Project CLASPP will work closely with an initial cohort of legal profession leaders from four pilot states (e.g., staff or board members of IOLTA Foundations, Access to Justice Commissions, state Attorney General offices) to formalize collaborations with state agencies responsible for increasing access to health care, housing,

¹ Legal Services Corporation, 2015 Legal Services Corporation By The Numbers, 5 (2016).

employment and education, and improving family stability and public safety. This project will produce: sustainable infrastructure that supports and funds civil legal aid in at least three states; online toolkit reinforced by training and technical assistance to support activities in other interested states; millions of new dollars for civil legal aid during the grant period and well into the future; and new and nontraditional allies for civil justice stakeholders.

The opportunity to contract with Karen for her time, related travel costs, and shared online collaboration software will ensure our efforts are integrated and complementary. Synergistic activities include:

- Building collaborations between Project CLASPP’s legal profession and state executive branch agency relationships and the legal aid programs we work with;
- Incorporating Karen into relevant trainings, technical assistance, and webinars;
- Sharing online collaboration software;
- Ensuring our presence and involvement with preparation of the Project CLASPP toolkit; and
- Collaborating on state use of federal block and formula grants.

We have energetically embarked on this next phase, and are anxious to build on some of our accomplishments over the last two years, which include:

Increased awareness by civil legal aid providers of federal programs that include funding for civil legal aid	
New posts to LegalAidResources.org	- 130 new announcements of federal funding opportunities - 88 grants with express language for civil legal aid - 10 federal agencies with grants represented
Usage of LegalAidResources.org	- 190 subscribers (increase of 475%) - 12,400 visitors - 38,000 views (increase of more than 250%)
Usage of NLADA federal funding listservs	- 300 subscribers - 3 new listservs
Presentations	- 33 in-person and virtual presentations
Increased applications by civil legal aid programs for federal grants	
Direct training and technical assistance	- 1,810 people provided training and technical assistance through Initiative activities
Enhanced technical assistance on VOCA, HHS, Reentry, Human	- 33 peer-to-peer teleconferences (55 participants) - 5 webinars (more than 500 participants)

Trafficking, and on Federal Bank Settlements	<ul style="list-style-type: none"> - 33 panel presentations - 1 memo from NLADA to field and IOLTA administrators on Bank Settlement - 15 successful applications for new funding (not renewals) - \$32.3 million in new funding accessed by civil legal aid
Regional Training Series	<ul style="list-style-type: none"> - 4 in-person trainings held in 4 different regions <ul style="list-style-type: none"> o 155 participants trained
Increased in non-LSC funding received by civil legal aid programs	
Impact on receipt of non-LSC funding	<ul style="list-style-type: none"> - \$32.3 million increase in non-LSC funding received <ul style="list-style-type: none"> o \$21 million+ in VOCA funding o \$800,000 in JRAP demonstration grants o \$983,613 in Connecting Kids to Coverage o \$1.4 million in Elder Justice AmeriCorps o \$8 million in OVC direct funding to civil legal aid *this is not yet public information*
Impact on increased funding within SSVF program	<ul style="list-style-type: none"> - \$32,350 increase in direct grants to civil legal aid (now almost \$2 million)* - 118 new sub grants to civil legal aid* <p style="text-align: center;"><i>* 2015 metrics (2016 data still under collection)</i></p>
Enhanced communications regarding the initiative and potential federal funding sources	
Centralized communications	<ul style="list-style-type: none"> - 1 Resource Desk developed and launched
Usage of NLADA federal funding listservs	<ul style="list-style-type: none"> - 300 subscribers - 3 new listservs
Increased partnerships by civil legal aid programs and non-traditional stakeholders in applications for federal funding	
Supporting partnerships in six priority areas: <ul style="list-style-type: none"> - homelessness, at-risk youth and fair housing - human trafficking - medical-legal partnership and access to health care - reentry 	<ul style="list-style-type: none"> - 8 partnerships with federal and national entities to encourage partnerships between grantees and civil legal aid providers - 610 primary grantees and partners reached through 6 meetings and presentations

- veterans - victims of crime and domestic violence	
Supporting collaborations beyond six priority areas	- 4 new collaborations with federal entities beyond the six priority areas
Elimination of barriers to the receipt and use of federal funds for civil legal aid programs	
Advocacy efforts to facilitate support for civil legal aid	<ul style="list-style-type: none"> - 10 federal entities with which we have working relationships - 4 new LAIR case studies - 1 new agency letter - 5 points of advocacy with federal agencies - 6 coalition meetings to advance civil legal aid's integration into a holistic human services approach - 130 additional resources added to LegalAidResearch.org
Enhanced network of peers working together to increase federal funding for legal aid	
Enhanced peer-to-peer support for grants with VOCA, Connecting Kids to Coverage, JRAP and OVC trafficking grants	<ul style="list-style-type: none"> - 33 peer-to-peer teleconferences held (55 participants) - 2 previous Connecting Kids to Coverage grantees provided peer-to-peer support for new 2016 applicants
Cultivated Federal Funding Subcommittee to contribute to peer support infrastructure	- 13 subcommittee members providing guidance to peers
Increased number of civil legal aid programs who attend sessions on federal funding opportunities at national training events	
Federal funding sessions held at national conferences	- 3-4 federal funding sessions held at each Equal Justice and NLADA Annual Conferences in both 2015 and 2016
Increased coordination and cooperation with ATJ, LSC, the ABA, Voices for Civil Justice, the National Center for Access to Justice and others to expand access to federal funds for civil legal aid programs	
Increased collaboration with DOJ ATJ, Voices for Civil Justice and National Center for Medical-Legal Partnership	<ul style="list-style-type: none"> - 14 in-person panels featuring DOJ ATJ - 11 in-person trainings from National Center for Medical-Legal Partnership - 8 in-person trainings from Voices for Civil Justice
Increased coordination with DOJ ATJ, LSC and the ABA	<ul style="list-style-type: none"> - 1 meeting with DOJ ATJ, LSC and the ABA to coordinate partnering on data collection - 3 data collection instruments coordinated (one each from ABA, LSC and NLADA)

Efforts to Measure and Evaluate Outcomes	
Federal Funding Survey	- 120 responses to 2016 federal funding survey
Regional Training Evaluations	- 40 evaluations received
New Data Tools	- 1 Grants Dashboard designed and implemented - 1 Resource Desk developed and launched

Update on 2016 NLADA Federal Funding Survey

In fall 2016, we administered a survey to our civil legal aid membership to learn more about the federal funding they are receiving and to assess how they are utilizing federal grants and sub grants to serve clients. As part of our effort to establish national baseline measures, the survey allowed us to cast a wide net and collect federal funding data from 120 civil legal aid programs, a significantly higher number of providers than we previously had the ability to track through more narrowly targeted outreach methods.

For each of our six priority issue areas, the survey collected information on the types and amounts of federal grants civil legal aid is receiving, the grants that civil legal aid is pursuing, and the type of work the grants are supporting. Additionally, we asked members for feedback on the Initiative's support and what additional resources they would find beneficial. The data collection from this survey is informing further advocacy efforts, both at the federal level and with individual civil legal aid programs to facilitate applications and partnerships.

NLADA Legal Aid Training Series: Advancing Your Work through Federal Funding

On May 3, 2017, we hosted our fifth day-long training in the civil legal aid series *Advancing Your Work through Federal Funding*. The training, *Federal Block, Formula and Discretionary Grants: Pursuing programs and building partnerships to serve clients and support state and local priorities*, was held as a preconference to NLADA's 2017 Equal Justice Conference in Pittsburgh and attended by 30 legal aid managers, executive directors and development professionals.

Aligning with a 2017 priority to bolster NLADA's work supporting civil legal aid's ability to access the significant portion of federal funding issued through block, formula and discretionary grants, the training provided important tools for programs to identify and pursue these resources. The curricula featured strategies for building sustainable partnerships that can lead to block grant funding, including opportunities with: Community Development Block Grants (CDBG), STOP Formula Grants, and Temporary Assistance for Needy Families (TANF), and Victims of Crime Act Victim Assistance Formula (VOCA). In addition to interactive presentations by legal aid representatives who shared their models for securing these types of grants, the training featured representatives from the U.S. Department of Justice Offices for Access to Justice and Victims of Crime, and closed with a communications workshop led by Voices for Civil Justice.

Justice in Government Project Inaugural Meeting

On May 5, the Civil Legal Aid Initiative participated in the inaugural meeting for the Justice in Government Project (JGP). Developed and led by Karen Lash, who recently became a part-time

Practitioner-in-Residence at the American University School of Public Affairs Justice Programs Office, the goal of JGP is to develop state and local executive branch strategies for incorporating legal aid into government programs, policies and initiatives that serve low-income and underserved populations. For its first two years, JGP will work closely with an initial cohort of legal profession leaders (e.g., staff or board members of IOLTA Foundations, Access to Justice Commissions, state Attorney General offices) from Arizona, California, Mississippi and Wisconsin. JGP will formalize collaborations with state agencies responsible for increasing access to health care, housing, employment and education, and improving family stability and public safety. This project aims to produce: sustainable infrastructure that supports and funds civil legal aid for its pilot states; online toolkit reinforced by training and technical assistance to support activities in other interested states; new dollars for civil legal aid during the grant period and well into the future; and new and nontraditional allies for civil justice stakeholders.

During this initial meeting, the cohort gathered to discuss the top funding opportunities Karen identified as having immediate potential for the states, the current priorities and funding environments in each of the states, and an introduction to effective strategies for building funding relationships. The Initiative looks forward to collaborating with JGP, incorporating Karen and JGP into relevant trainings, technical assistance, and webinars, and supporting statewide coalitions for the inaugural cohort that advocate for funding through both longstanding and potentially new funding streams.

- **Continued Efforts to Preserve Public Service Loan Forgiveness**

NLADA continues collaboration with the American Bar Association, Association of American Law Schools, Equal Justice Works and others to protect the federal Public Service Loan Forgiveness (PSLF) program for attorneys who have devoted 10 years of their careers to serving low-income people through jobs in areas such as legal aid or public defense. The White House budget recommends eliminating PSLF, but only for loans initiated in or after 2018. Existing borrowers would therefore be protected under the White House proposal.

Protecting PSLF remains a critical issue for NLADA, and we will be vigorously advocating for the continuation of the program, which civil legal aid and public defender programs rely on to attract talented attorneys and other expert staff who would otherwise be unable to afford to pay their student loans and provide for themselves and their families. Obama administration efforts to reform PSLF failed to overcome bipartisan support for the program in Congress, and we are working in close partnership with a diverse group of stakeholders from the legal, academic, and healthcare communities to ensure that this vital program continues to be protected on Capitol Hill.

Long-term Objective 1.d. Expand Commitment and Capacity of Civil Legal Aid and Defender Programs to Advance Racial Equity

- **NLADA Board of Directors Adopts Pledge to Fight Implicit Bias and Racial Inequality**

In November, the NLADA Board of Directors adopted a pledge committing to taking steps to confront individual biases, improve capacity to effectively serve clients and positively advance racial justice. The pledge also calls on every equal justice advocate and institution to take steps to do the same. The pledge is based on a resolution passed by NLADA's Client Policy Group, which subsequently was adopted by the NLADA Board of Directors.

Additionally, the Strategic Issues Committee took up the charge of advancing racial justice and brainstormed next steps to support the field's ability to make positive changes both internally and externally.

- **Elevating Racial Justice in NLADA Annual Conference Programming**

NLADA continues to emphasize racial justice as an overarching and overt theme throughout its conference programming. Racial justice was centrally highlighted and emphasized throughout the Annual Conference. Three of our plenary sessions elevated issues of racial justice. The Annual Meeting of the Members, *Standing for Racial Justice: Shaping the Roles of Legal Aid, Public Defenders and Client Advocates*, featured a discussion led by Prof. Carlton Waterhouse from Indiana University Robert H. McKinney School of Law. Our keynote speaker, Vanita Gupta, then-principal deputy assistant attorney general and head of the Civil Rights Division at the U.S. Department of Justice, also addressed racial justice issues in her remarks, "Fulfilling America's Promise of Equal Justice," as did a number of speakers during our Civil Caucus. Additionally, we featured a number of community lawyering sessions, to emphasize engagement with clients and communities.

- **"Free to Ride" premiere and panel discussion at DC Independent Film Festival**

On February 17, 2017, NLADA staff participated in a panel discussion at the premiere of the documentary "Free to Ride" during the DC Independent Film Festival. The film is produced by the Kirwan Institute at the Ohio State University and tells a story of a grassroots coalition in Dayton, Ohio, and its fight against racism in public transit. It highlights the critical role of civil legal aid, specifically the work of attorneys at Advocates for Basic Equality, and the power of community lawyering. Staff spoke specifically about the role and impact of Title VI of the Civil Rights Act addressing implicit and explicit racial bias.

Long-term Objective 1.e. Define and Attain the critical capabilities for civil legal aid systems that promote justice for all

Long-term Objective 1.f. Strategic Advocacy for Lasting Results (“SALR”)

- **Update on Strategic Advocacy Initiative**

NLADA has signed a new contract with Cathy Carr to lead our Strategic Advocacy Initiative. The initiative provides confidential, peer-based assistance to legal services programs to help them develop or expand their capacity to achieve broad-based results and, in particular, to achieve lasting, systemic change for clients and low-income communities by engaging in broad-based advocacy. The term “broad-based advocacy” is intended to encompass a wide variety of approaches for achieving results that benefit more than individual clients, and aspects of program operation or systems that could be the focus of an assistance team that may be organizationally- or advocacy-focused.

This year, SAI will conduct one site visit and three training events (one each at the MIE National Conference for Legal Services Managers, the Equal Justice Conference, and the NLADA Annual Conference).

STRATEGY III: DEVELOP THE NEXT GENERATION OF EQUAL JUSTICE LEADERS

- **Emphasizing a commitment to emerging leaders in conference programming and work**

NLADA is making an intentional effort to feature and train emerging leaders in our work. We are planning a preconference session for emerging leaders at NLADA’s annual conference in December 2017 and throughout our conference programming.

Civil Council Minutes

APRIL 18, 2017

TELECONFERENCE

Present: Anthony Young, Rudy Sanchez, Silvia Argueta, Eric Avildsen, AnnaMarie Johnson, Sam Buchanan, Karen Warren (for Dan Glazier), Sue Lau, Bob Gillett, Shannon Woods, Catherine Harris, Theron McNeil

Others: Don Saunders, Radhika Singh Miller, Robin Murphy, Arielle Altman, David Miller, Maria Soto, Jo-Ann Wallace, Steve Eppler-Epstein

The meeting was convened to discuss a rapidly-moving landscape related to civil legal aid, particularly with respect to the Trump Administration's proposal to eliminate the Legal Services Corporation. The call highlighted the developments since the November 8 meeting of the Civil Policy Group in Indianapolis. Due to the ongoing NLADA restricting, members several members whose terms had expired joined the call. Among the items discussed were:

- The upcoming census adjustments by LSC for basic field and agricultural worker funding;
- New developments related to the Bank of America settlement, including efforts by House Judiciary Chair Robert Goodlatte (R-VA) to prohibit future settlements providing payments to third-party organizations;
- The many efforts underway to preserve the Legal Services Corporation, including:
 1. NLADA's letter from Corporate General Counsel;
 2. The development of an NLADA website to support LSC and other components of our advocacy campaign;
 3. Plans for the upcoming ABA Day in Washington;
 4. Educational efforts with other relevant sectors;
 5. A preconference for legal aid providers to cover the LSC campaign at the upcoming Equal Justice Conference in Pittsburgh;
 6. Beginning to consider scenario planning for various eventualities among the Civil Policy Group and NLADA Board;
- Regulatory developments with LSC, including:
 1. Regulation 1630 and the Property Acquisition and Management Manual (PAMM);
 2. Proposed changes to LSC grant conditions;
 3. Proposed changes to LSC Performance Criteria 4;
- An update on challenges in the Congress and the Department of Education related to the Public Service Loan Forgiveness program;
- Developments at the ABA Commission on Ethics and Professional Responsibility related to NLADA's proposal to change Model Rule 1.8(e);
- A report on the status of the NLADA and CPG restructuring process.

Submitted by Don Saunders

Civil Council Minutes

NOVEMBER 8, 2016

INDIANAPOLIS, INDIANA

Present: Anthony Young (by phone), Sue Lau, Sam Buchanan, Bob Gillett, Dan Glazier, Theron McNeil, Catherine Harris, Rudy Sanchez, Shannon Woods, Eric Avildsen, Alison Paul (by phone), Ben Obregon, Anne Ericson (by phone), AnnaMarie Johnson (by phone), Sergio Jimenez

Staff: Arielle Altman, David Miller, Robin Murphy, Radhika Singh Miller, Don Saunders, Maria Soto, Jo-Ann Wallace, Jenna Welch, Carol Ponce

Others: Alex Gulotta, Terry Brooks

The meeting was convened on Election Day to consider a wide array of issues related to the delivery of civil legal aid. After adopting the minutes of the June 28, 2016 meeting of the CPG, Bob Gillett, Don Saunders and Radhika Singh Miller led a discussion on an array of funding/delivery issues relevant to NLADA members. Among the issues discussed were:

- The work of NLADA staff in educating IOLTA providers regarding member interests in the distribution of \$367.5 million pursuant to the settlement between the U.S. Department of Justice and the Bank of America. CPG members shared experiences in various states in implementation ;
- The status of FY 2017 funding for LSC and the outlook for funding for FY 2018;
- NLADA's participation as amici and commenters before the federal courts in support of the continuation of the cy pres doctrine;
- The NLADA Civil Initiative and collaborative efforts with the White House Legal Aid Interagency Roundtable to increase the availability of non-LSC federal funds for advocacy by legal aid programs;
- Implementation of changes in LSC's distribution of funding for the representation of agricultural workers; and
- The status of the Public Welfare Foundation's grant program to implement the 100% access resolution of the Conference of Chief Justices (Justice for All).

Robin Murphy presented a summary of NLADA's regulatory activity with the Legal Services Corporation, including reports on:

- The three workshops organized to provide input from the field on proposed changes to 45 CFR Part 1630 on questioned costs and the Property Acquisition and Management Manual (PAMM);
- NLADA's advocacy with LSC over the standard for cultural competency in its strategic plan;
- The development of new policy regarding online intake in response to requests from NLADA's Technology Section; and
- NLADA's comments on the LSC subgrant rule, 45 CFR Part 1627.

The CPG then engaged in an in-depth discussion related to the upcoming presidential and congressional transitions, including the potential impact on policies related to LSC, the White House Legal Aid Interagency Roundtable, and Public Service Loan Forgiveness. Karen Lash from the Department of Justice joined in the discussion.

Jo-Ann Wallace provided an update on the NLADA planning process and board and policy group restructuring.

Finally, Terry Brooks provided an overview of the many initiatives ongoing at the American Bar Association that affect civil legal aid and the partnership efforts between NLADA and the ABA.

Submitted by Don Saunders