



The State Bar of California

OFFICE OF ACCESS & INCLUSION

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June 10, 2019

Kevin Aslanian, Executive Director
Coalition of California Welfare Rights Organizations
1111 Howe Avenue, Suite 150
Sacramento, California 95825-8551

RE: Support Center Deeming Exemption

Dear Kevin:

The State Bar of California's Office of Access & Inclusion has reviewed documentation on behalf of the Coalition of California Welfare Rights Organizations (CCWRO) and has determined that your file now includes adequate documentation to demonstrate that your Support Center provided services in California prior to December 31, 1980, and is therefore exempt from the deeming process in accordance with Business & Professions Code §6215.

During the last quarter of 2018, staff in the Office of Access & Inclusion discovered that six support centers, including CCWRO, were not subject to the deeming process, but appeared to have been incorporated *after* December 31, 1980. Since the organizations' files did not include documentation to show that support services were provided before 1981, staff used the organizations' incorporation dates to determine when services began.

As you know, Business and Professions Code §6213(b) defines a qualified support center as an incorporated nonprofit legal services center that has as its primary purpose the provision of legal training, technical assistance, or advocacy support without charge and provides through an office in California a significant level of support services without charge to qualified legal services projects (QLSPs) on a statewide basis. If a support center operated an office and provided services in California prior to December 31, 1980, it is presumed to be a qualified support center and exempt from having to be deemed of special need by a majority of the QLSPs (Business & Professions Code §6215). In practice, that means that the majority of QLSPs would affirmatively vote that the support center was of special need, which would allow that support center to continue to receive funding from the State Bar.

The Office of Access & Inclusion implements a deeming process for every support center that did not operate and provide services prior to 1981 on a rolling three-year basis as described in the Eligibility Guidelines, Guideline 2.9. It is also important to note that the Commentary to Guideline 2.8 of the Eligibility Guidelines, which was codified by the Legal Services Trust Fund Commission (LSTFC), expressly provides that once a support center has been determined by the LSTFC to be exempt from deeming, it will not need to reestablish exemption.

In an effort to obtain a more thorough picture of the status of the six support centers and recognizing that State Bar records may be incomplete, staff reached out to the centers in January 2019 to provide them with an opportunity to submit supporting documentation to demonstrate that services were provided prior to 1981 or to submit other evidence to support why their organization should be exempt from the deeming process.

Staff members also searched for relevant materials that could be helpful to the support centers, including reviewing available LSTFC meeting minutes and reaching out to other State Bar divisions that may have archived information. During this process, staff discovered two memos that provided background information for a rule change and an inquiry into whether certain support centers were exempt from the deeming process. The memos included eligibility checklists for 16 support centers considered "grandparented" in at that time and treated as exempt from the deeming process. The six under consideration, including [name of Support Center], were all included in that group.

After review of this deeming documentation, the Office of Access & Inclusion determined that it now had adequate documentation that all six programs whose deeming status was in question, including CCWRO, were found to be grandfathered and are therefore exempt from the deeming process.

This letter will serve as documentation of that determination of exemption. Please maintain this letter for your records and feel free to contact us with any questions.

We thank you for your time and attention during this review process. We look forward to continuing to work with you as a grantee. Please contact me at (415) 538-2403 or daniel.passamaneck@calbar.ca.gov should you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan Passamaneck", is positioned above the typed name and title.

Dan Passamaneck, Sr. Program Analyst, Office of Access & Inclusion
cc: Doan Nguyen, Program Supervisor, Office of Access & Inclusion