

Instructions for Completing Support Centers Application

Your original application, including the Application Checklist and a **one-sided copy** of all application forms and supporting materials, must be received in the Legal Services Trust Fund Program office by 5:00 p.m. on the application deadline. Address your application to the **Legal Services Trust Fund Program, 180 Howard Street, San Francisco, CA 94105-1617**. Applications *legibly postmarked* by the post office or a special delivery company on the last business day before the application deadline and received within five working days after the deadline will be accepted. Applications received after that date **will not be considered** unless there is a showing of special extenuating circumstances. In no event will an application be considered if it is received more than 15 calendar days late. **It is the applicant's responsibility to ensure timely delivery of all application documents.**

Also send an electronic copy of the application forms in Word and Excel formats to trustfundprogram@calbar.ca.gov. Electronic or fax submissions **will not** be accepted in lieu of timely receipt of the fully-executed, original hard copy. All applications are public records once received.

Application Checklist. All applicants must complete this form.

Complete the Application Checklist after you have reviewed these instructions and completed the application forms. When you submit your application package, place the Application Checklist on top of all the materials. Arrange the application forms and required documents in the order listed on the checklist.

I. Applicant Profile. All applicants must complete this form.

- 1. Organization Name:** List the name of your corporation as it appears on the incorporation papers. If you are commonly known by another name or use a *dba*, include this name as an *aka* or *dba*.
- 2. Street Address:** List the applicant's street address, including city and zip code.
Mailing Address: List the applicant's mailing address, if different from the street address.
- 3. Telephone Number:** List the applicant's telephone and fax numbers, including area code.
- 4. Website:** List the URL of the applicant's website, if applicable.
- 5. Branch Offices:** List the addresses of all branch and regional offices. If necessary, attach a separate page.
- 6. County(ies) Served:** Support centers must provide services statewide. Write *Statewide* under *Name(s) of County(ies) Served*. In order to prove that your program provides services statewide, your program must meet the provisions of Eligibility Guidelines 2.2.2 and 2.2.3.

7. **Staff Director:** Insert the full name and title of the applicant's director or chief executive officer. Also provide the direct telephone number (include extension, if applicable), email address and **original signature** of the staff director or chief executive officer.
8. **Second Contact Person:** Insert the name, title, direct telephone number (include extension, if applicable), and email address of a second person to contact if any questions arise regarding your application.
9. **Fiscal Contact Person:** Insert the name, title, direct telephone number (include extension, if applicable), and email address of the person to be contacted if any questions arise specific to your financial information.
10. **Board Chair or Alternate Board Officer:** Insert the full name, business address, email address, and complete telephone number of the current board chair (or an alternate board officer if the chair is not available to sign the application). Also provide an **original signature** of the board chair or alternate officer.

II. Description of Organization. *All applicants must complete this form.*

Provide a general description of your program's **total** activities, including legal support provided to organizations and entities that are not qualified legal services projects and all non-support activities. Include information about your area(s) of substantive or procedural expertise, your service priorities and the mechanism(s) used to deliver services. Also describe your functional activities (e.g., consultation, advocacy support, information services, training).

III. Eligibility Criteria for Support Centers. *All applicants must complete this form.*

1. Place a check mark in the one box that applies to your program.

If your program responded *no* to number 1, you must be deemed of special need by a majority of qualified legal services projects every three years. You must supply a one-page description of your center that will be provided to qualified legal services projects. The Trust Fund Program will solicit advice from qualified legal services projects whether they presently deem your program to be "of special need." More than one half of those whose advice is solicited must respond affirmatively in order for your center to be eligible [B&P Code §6215(b)(2); Rule 3.680(C); Eligibility Guideline 2.9.1].

2. Place a check mark in all boxes that apply to your program.

Technical Assistance refers to the provision of legal advice and consultation on matters of law, which your program offers to qualified legal services projects.

Advocacy Support includes, without limitation, the provision of assistance in the preparation or prosecution of litigation, the direct representation of a litigant upon request or referral from a legal services project, and efforts directed toward regulatory or legislative bodies to enhance legal protections or opportunities.

Information Services refers to the provision of informational resource materials that were developed and published by your center and distributed to qualified legal services projects.

Training refers to education to improve practice skills of advocates working on behalf of qualified legal services projects. Support centers provide education regarding skills utilized in specialized areas of law.

IV. Certifications for Support Centers. All applicants must sign this form.

1. Enclose both documents specified as proof of your corporation's incorporated status. If your Articles of Incorporation are on file in the Trust Fund Program office, so indicate on the Application Checklist.

Your Certificate of Status for this application can be no more than three years old. To obtain a new Certificate of Status, complete the Business Entities Records Order Form that follows the Application Checklist. Check the *Certificate of Status* box on page 2 of the form. Follow the directions on the form regarding options for submission and attach a check in the appropriate amount made payable to the Secretary of State.

2. Enclose both documents specified as proof of your corporation's tax exempt status. If you have not received the determination letters, attach copies of your applications for exemption, together with an explanation of their status. If the documents specified as proof of your corporation's tax exempt status are on file in the Trust Fund Program office and there have been no material changes made to the documents from the time they were submitted to the Trust Fund Program, so indicate on the Application Checklist.
3. Attach Form XI and a list of the qualified legal services projects to which your program provided services within the calendar year ended most recently as proof that your program is currently providing the indicated services. Your program must have provided a significant level of services, and these services must have been provided in the geographic areas designated in Eligibility Guideline 2.2.3.
4. Attach criteria used by your program to determine the eligibility of entities or clients requesting support services without charge.
5. Attach a copy of your program's financial statement for the fiscal year ended most recently. Financial statements must be audited or reviewed by an independent certified public accountant. If an applicant's gross expenditures exceeded \$500,000 for the most recent fiscal year, the financial statement must be audited.
 - If the financial statement for the most recent period is not available at the time of the application deadline, attach a copy of your auditor's engagement letter to this application. You must file the audited or reviewed statement promptly when available, and in no event more than sixty (60) days after the application deadline. The statement must be submitted before funds will be disbursed.

- If your fiscal year ends before December 31, you must also submit an income and expense statement covering the period from the first day of your fiscal year through December 31 of the previous calendar year. The Commission reserves the right to require an audit or review of this statement.

6. By signing Form IV, the Staff Director and Board Officer certify that the information provided in this statement is true. Provide the original signatures of the Staff Director and the Board Chair or Alternate Board Officer.

V. Assurances for Support Centers. *All applicants must sign this form.*

These items list assurances with which the applicant agrees to comply if it receives funding from the Legal Services Trust Fund Program. Provide the original signatures of the Staff Director and the Board Chair or Alternate Board Officer.

1-4. See Form V.

5. Enclose a copy of the board resolution adopted by your Board of Directors within the last two years establishing your support center's priorities. Describe the consultation process with legal services attorneys, members of the private bar and eligible clients by which priorities were set [Commentary to Eligibility Guideline 2.6].

6-10. See Form V.

VI. Quality Control Review for Support Centers. *All applicants must complete this form.*

1. Check here if you received a written quality control review from a non-Trust Fund Program funding source or entity since January 1 of the previous calendar year.
2. Identify your program's supervisory personnel **and** describe the methods by which they supervise legal staff. Include information about how management ensures that staff members are providing quality legal training, legal technical assistance and advocacy support to qualified legal services projects. Also describe how supervision is provided to contract attorneys, single-attorney staff and volunteers providing legal services.

VII. Staffing and Volunteer Report for Support Centers. *All applicants must complete this form.*

This form requests information regarding the applicant program's staffing in the previous calendar year. It also requests data on the number of volunteers and the hours they donated toward the provision of legal support services in the previous calendar year. All applicants must complete each column as it applies to the program's staffing and volunteer components as of December 31.

- 1-5. **Full-Time** refers to staff employees who were employed on a continuous full-time basis – i.e., your standard work week. Indicate the number of full-time employees in each category in the *Full-Time Staff* column.

Part-Time refers to staff employees who were employed less than full time. Indicate the number of part-time employees in each category. In the next column, report the number of full-time positions represented by your part-time employees. For example, four half-time employees are equivalent to two full-time positions.

Temporary refers to individuals who were employed for a specific period, or intermittently, as their services were required. Indicate the number of temporary employees and the total amount of time that each category of temporary staff worked for your program.

Volunteer refers to individuals who donated legal services to the program. To the extent you have the information available, complete the table that asks for additional details regarding your volunteers.

6. The organizational chart should show your organization's supervisory structure. For example, the Staff Director would be listed on the chart. The person or people who supervise the Staff Director (e.g., the board or one of its committees) would be listed above that position. Staff supervised by the Staff Director would be listed below that position. The chart should include all attorney positions, management positions, paralegal positions and support personnel. Identify titles of *Other Personnel* positions reflected on line 5 in the space provided. Indicate the full-time equivalent for each position listed.

Attach a roster of board members, a current organizational chart and a current salary schedule for all positions at the back of the application.

VIII. Source of Funding Report. All applicants must complete this form.

List the sources and amounts of your annual cash funding using the amounts received during the previous calendar year. Provide details in the *Subtotals* column where appropriate. Where subtotals are not requested, report the total amount received under that category of funding in the *Totals* column (for example, at line 4, *Foundations*).

IX. Total Corporate Expenditures for Calendar Year Ended Most Recently. All applicants must complete this form.

This form includes information regarding your corporation's total cash expenditures for the preceding calendar year. This information is necessary to determine whether your program's "primary purpose and function" is the provision of free legal support services [Rule 3.671(B)].

1. Indicate applicant name.
2. Provide the name, direct telephone number and email address of the person preparing this form.
3. Calendar year for reporting period.

4-25. These items relate to your total cash expenditures for the calendar year ended most recently. **Do not use your program's fiscal year figures.**

- Use whole numbers.
 - Do not include the value of donated services or in-kind donations.
 - Do not include expenditures for capital additions in the total.
4. **Lawyers:** This category should include all salaries and wages paid to program attorneys, whether full-time, part-time or temporary.
 5. **Paralegals:** This category should include salaries and wages paid to program paralegals, whether full-time, part-time or temporary. Paralegals are persons who are not members of the State Bar of California and whose duties consist primarily of such activities as intake interviewing, case investigations, checking court records, legal research, client representation at administrative hearings and outreach and community work [B&P Code §6450 et seq.].
 6. **Other Staff:** This category should include salaries and wages paid to all other program staff, whether administrative or clerical staff, students or others, and whether full-time, part-time or temporary.
 7. **Subtotal:** Add wages from lines 4, 5 and 6.
 8. **Employee Benefits:** This category should include all those commonly-accepted fringe benefits paid on behalf of employees, such as retirement, FICA, health and life insurance, workers' compensation, unemployment insurance and other payroll-related costs approved by the board of directors.
 9. **Total Personnel:** Add lines 7 and 8.
 10. **Space:** This category includes rent, mortgage payments, utility payments and maintenance or janitorial expenses.
 11. **Equipment Rental and Maintenance:** This category includes lease or rental expenses for office furniture, fixtures and equipment, including telephone and fax equipment. It also includes maintenance costs for that equipment whether pursuant to a service contract or individual repair bills.
 12. **Office Supplies and Small Equipment:** This category includes expenses for all basic office accessories and supplies, including materials used in copiers and printers. Small equipment purchases under \$1,000 may be included under this line item.
 13. **Printing and Postage:** This category includes expenses for outside printing, postage, and other mailing and delivery services.
 14. **Telecommunications:** This category includes expenses for regular telephone service, cell phone service and Internet access. Similar and related telecommunications expenses should be included as well.
 15. **Technology:** This category includes expenses related to computer software purchases, subscriptions and updates, Internet service, website hosting, online data management, etc.

16. **Program Travel:** This category includes travel expenses directly related to specific support activities, community outreach/trainings, or for program administration.
17. **Training:** All non-personnel costs associated with the training or continuing education of staff members should be included here. Examples would be travel to/from training events, per diem, conference registration fees or tuition, purchase of training materials, rent for facilities used in a training event, etc. No program personnel costs, or costs training employees or volunteers of other organizations, should be included here.
18. **Library:** This category includes expenses for the maintenance and normal expansion of office libraries, including subscriptions to periodicals, electronic research services (e.g., Lexis-Nexis, Westlaw), reference materials, etc.
19. **Insurance:** This category includes professional liability insurance, bonding, property insurance (fire and theft) and liability insurance for property and automobiles.
20. **Audit:** This category includes expenses related to the independent fiscal review or audit of the applicant's financial statements.
21. **Litigation:** This category includes court costs, witness fees, expert witness expenses, sheriff fees, photocopying charges and other expenses incurred but not recovered in litigation on behalf of eligible clients.
22. **Depreciation:** This category includes depreciation expense on furniture, equipment and library purchases over \$1,000 per item and on owned real property.
- 22a. **Capital Additions:** Indicate the total cost of capital additions during the preceding calendar year. List individual items and associated costs on a separate page.
23. **Contract Service to Clients:** This category includes all payments to private attorneys or others who provide legal services to clients, including qualified legal services projects and organizational clients. (Itemize individual costs on a separate page.)
24. **Contract Service to Program:** This category includes services to the program, such as legal counsel for program operations, consultant fees for staff training, IT services, bookkeeping or other accounting services, etc. (Itemize individual costs on a separate page.)
25. **Other:** This category includes all program expenses not included above. (Itemize individual costs on a separate page.)
26. **Total Non-Personnel:** Add lines 10-24.
27. **Total:** Add lines 9 and 25. Enter this amount on line 1 of Form X.

X. Expenditures for Support Services.

This form segregates your previous year's expenditures that were for qualifying support services from those expenditures that were for other activities. This information is necessary to establish whether your organization's primary purpose and function is the provision of legal training, legal technical assistance or advocacy support without charge.

1. Enter the amount from line 27 of Form IX to indicate the corporation's total expenditures for the preceding calendar year.
2. If "legal support services" are only part of your corporation's activities, enter the amount spent on other activities. Support services must meet the following criteria to be counted for purposes of this application:
 - a. Services must be provided to:
 - 1) attorneys, lay advocates or others involved in the direction or operation of legal services projects that provide legal services to indigent persons; or
 - 2) attorneys in private practice who are providing legal services without charge to indigent persons; or
 - 3) indigent persons without charge, when requested to do so by a qualified legal services project.
 - b. The services must be directed toward meeting the legal needs of indigent persons or the functioning of the legal services project.
 - c. The direct provision of legal services to clients is not a support service unless it is delivered:
 - 1) as co-counsel with an attorney employed or recruited by a qualified legal services project; or
 - 2) as co-counsel at the request of a private attorney representing indigent clients without charge; or
 - 3) at the request of an attorney employed or recruited by a qualified legal services project that is unable to assist the client.
 - d. The provision of similar legal support services in states other than California will be considered in determining the primary purpose and function of the corporation [Eligibility Guideline 2.3].
3. If you charged for any of your support services, enter the amount of your expenditures related to the activities for which you charged. The "without charge" standard is fully met when services are provided without imposing any fee or requiring any payment. However, training services may still be considered without charge when the fee imposed is directly tied to the actual additional expense incurred in training an individual and does not include general expenses that are incurred in providing the training to the community at large. (Refer to Eligibility Guideline 2.2.4. for further details.)

4. If you charged for any of your publications or resource materials, enter the amount of expenditures incurred related to the production of the materials for which you charged.
5. If you received reimbursement for any expenses incurred providing legal training, legal technical assistance or advocacy support, including reimbursement through cost-sharing agreements, enter the amounts received.
6. If you lease property to tenants or subtenants, your activities as lessor or sublessor are not legal training, legal technical assistance or advocacy support, and therefore are not qualified activities. All related expenses, such as the relevant share of mortgage or lease payments, the actual cost of maintaining the owned or leased property, and property management expenses must be deducted from total qualified expenditures. Enter the amounts on line 6, and provide details on Form X-A.
7. Add lines 2 through 6. *Automatically calculated.*
8. Subtract line 7 from line 1. This is your total expenditure for legal training, legal technical assistance and advocacy support. *Automatically calculated.*
9. Divide line 8 by line 1 to calculate the percent of your total corporate expenditures incurred while providing free legal technical assistance, legal training and advocacy support. If this figure is 75 percent or greater, the corporation will be presumed to meet the "primary purpose and function" test. *Automatically calculated.*

An applicant not qualifying for the presumption may nevertheless apply for an allocation, demonstrating its purpose and function by other means. You will need to demonstrate that the primary purpose of your organization is to assist legal services advocates who provide direct civil legal services to indigent clients through the provision of legal technical assistance, legal training and advocacy support. You must show that your support services consist of legal training, legal technical assistance and advocacy support [B&P Code §6213(b); Rule 3.671(B); Commentary to Eligibility Guidelines 2.2-2.2.5 and 2.3].

X-A. Additional Information about Qualified Expenditures for Applicants with Certain Activities.

Complete this form if you answered yes to questions 2, 3, 4, 5 or 6 on Form X. Attach additional pages as needed to provide all the required information.

1. If you answered yes to question 2, itemize the expenses incurred to provide services other than legal training, legal technical assistance or advocacy support and explain how you calculated the amount of those expenses. Provide sufficient information to clearly demonstrate that the figure entered on line 2 of Form X represents the total cost of providing all non-qualifying services. Include salaries and direct expenses and all related indirect and overhead costs.
2. If you answered yes to question 3, itemize the expenses incurred to provide the services for which you charged a fee. Provide sufficient information to clearly demonstrate that the figure entered on line 3 represents the total cost of

providing services for which you charged, including not only salaries and direct expenses but all related indirect and overhead costs as well.

3. If you answered *yes* to question 4, itemize expenses incurred to produce the materials for which your program charged. Include personnel expenses (salaries and benefits), direct charges, and all related indirect and overhead costs.
4. If you answered *yes* to question 5, provide additional information about the amounts you received in reimbursement for costs or fees. Itemize the expenses that were reimbursed and identify the activities for which the reimbursements were made. These amounts should be deducted from your calendar year expenses because the expenses ultimately were paid by a person or entity other than your corporation.
5. If you answered *yes* to question 6, itemize all expenses incurred to manage your leased/subleased property(ies). Provide sufficient information to clearly demonstrate that the figure entered on Form X represents the total cost of the non-qualifying property management activities, including not only salaries and direct expenses related to the actual cost of maintaining the owned or leased property and property management expenses, but all related indirect and overhead costs, such as the relevant share of mortgage or lease payments.

XI. Annual Assistance Summary Report.

This form includes information regarding qualified legal services projects served by your center during the calendar year ended most recently. You must demonstrate that you are currently providing a significant level of support services to such projects on a statewide basis [Eligibility Guideline 2.2 - 2.2.6].

Qualified legal services projects are current recipients of grants from the Legal Services Trust Fund Program. Do not include services to other support centers, even if they receive Trust Fund Program grants. For each of the following categories, refer to Eligibility Guideline 2.3.

1. **Training:** Provide a list of training events from the past calendar year. Include information regarding dates, locations, subject matter, number of attendees and different qualified legal services projects served through each training session.
2. **Technical Assistance:** Indicate the number of individual requests for service, and the number of different qualified legal services projects that received legal technical assistance from your center. Consultations made in support of active litigation or advocacy efforts are properly reported under Technical Assistance.
3. **Advocacy Support:** Indicate the number of cases or matters actually undertaken at the request of, and in conjunction with a qualified legal services project, and the number of different qualified legal services projects that were served through your center's advocacy efforts.

Advocacy support includes the direct provision of legal services to an indigent client either as co-counsel with an attorney employed or recruited by a qualified legal services project, or at the request of an attorney employed or recruited by a qualified

legal services project, provided that (a) you keep written records to demonstrate compliance with these provisions and (b) you establish and use policies and procedures that encourage qualified legal services projects to participate in your center's representation of persons referred by them [Rule 3.672(B); Eligibility Guidelines 2.2.1 and 2.3].

If your center provided extensive advocacy support in more than 20 matters in any category, you may individually describe up to ten of the most significant of those matters and generally describe the remaining, including information as to the substance of the matter and average number of hours spent to achieve resolution or notable results. Provide the following information for each case and matter.

a. Representation: For each matter,

- Identify and briefly describe the matter.
- Name the qualified legal services project(s) involved and the nature of their involvement. If no legal services project was involved in the representation, explain why the matter should be counted as a *qualified support service*.
- Describe your role relative to representation -- e.g., lead counsel, amicus, etc.
- Identify the amount of time spent on each matter, broken down by staff positions.
- Identify any specific actions or accomplishments realized during the past calendar year, such as trial, discovery, decision, etc.

b. Class Action or Impact Work: If your program engaged in class action or impact work in the previous calendar year, provide a separate list of these matters and describe the work that was done on each case. The description of each matter should include the following information, but you should not disclose information protected by the attorney-client privilege.

- Identify the case name or title of matter.
- Describe the forum in which the matter was pursued -- specific court or administrative agency.
- Describe the legal issues raised by the matter.
- Describe the relationship between the legal issues raised by the matter to the needs of legal services clients, and the extent to which indigent persons are impacted by these issues.
- Identify the primary beneficiary or beneficiaries in the case or matter.
- In the case of a class action, describe the size of the class.
- Identify the amount of time spent on each matter, broken down by staff positions.
- Briefly describe your program's work on the case as well as any specific achievements or accomplishments realized in the past calendar year such as trial, discovery, decision, etc.
- Name the qualified legal services project(s) involved and the nature of their involvement. If no legal services project was involved in the class action or impact work, explain why the matter should be counted as a *qualified support service*.

- c. Administrative or Legislative Advocacy:** If your program engaged in legislative or administrative advocacy in the previous calendar year, describe the work undertaken, including the following information for each matter.
- Identify and briefly describe the matter.
 - Name the qualified legal services project(s) involved in the matter and the nature of their involvement.
 - Identify the forum or jurisdiction in which services were provided.
 - Identify the amount of time spent on the matter, broken down by staff positions.
 - Describe the nature of your advocacy support.
 - Identify any specific actions or accomplishments realized during the past calendar year, such as hearings, presentations, etc.
- 4. Task Forces:** Describe your support center's participation in task force activities. Identify each task force, its subject area, your program's role, the dates and location of meetings attended and the different qualified legal services projects involved.
- 5. Resource Development:** List resources you developed, published and distributed to all qualified legal services projects. Do not include the printing and/or distribution of information or materials provided by others. List only those materials actually produced by your center.
- 6. a.** Attach a list of the qualified legal services projects that your center assisted in the previous calendar year, and note the nature of the assistance. Include only those projects to which you provided legal training, legal technical assistance or advocacy support without charge. Do not list projects that were provided only a newsletter or other informational mailings.
- b.** Indicate the total number of different projects served by your program in the previous calendar year. You may only count each project once even though you may have provided more than one type of support service.
- 7.** Describe all efforts to publicize the availability of your services to legal services projects statewide during the past calendar year. At a minimum, this publicity should have included at least two written communications sent to each qualified legal services project in the state describing the services you provide. Attach copies of these communications to this application. On a separate sheet, identify any other efforts you have made to publicize the availability of your services, such as work on group projects [Eligibility Guideline 2.2.2].