



THE STATE BAR OF CALIFORNIA

LEGAL SERVICES TRUST FUND PROGRAM

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TO: Executive Directors

FROM: Lorna Choy, Senior Grants Administrator
Legal Services Trust Fund Program

DATE: June 10, 2014

SUBJECT: REQUEST FOR PROPOSAL:
2015 EQUAL ACCESS FUND PARTNERSHIP GRANTS

We are pleased to issue this Request for Proposal (RFP) for calendar year 2015 Partnership Grants. This RFP is for both new applicants and current recipients of Partnership Grants applying for refunding.

Submit an original and five copies (**6 total**) of the proposal to:

Lorna Choy, Senior Grants Administrator
Legal Services Trust Fund Program
The State Bar of California
180 Howard Street
San Francisco, CA 94105-1617

Hard copies must be received by the Trust Fund Program no later than Friday, July 18, 2014. Additionally, please email your proposal to trustfundprogram@calbar.ca.gov.

The RFP package includes **three** sections:

- Background Information, Process and Criteria (pages 1-3)
- Instructions (pages 4-12)
- Forms (following page 12).

You will find the electronic version of this package under Partnership Grants at www.calbar.ca.gov/ioltaapplicationmaterials. If you have questions, contact our office at trustfundprogram@calbar.ca.gov or call one of the following persons:

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**THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND - PARTNERSHIP GRANTS**

REQUEST FOR PROPOSAL for 2015 GRANTS

FOR ALL APPLICANTS

Background Information, Process and Criteria

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BACKGROUND INFORMATION

The State Budget Act allocates funds to the Equal Access Fund “to improve equal access and the fair administration of justice.” The Fund is given to the Judicial Council to be distributed through the State Bar’s Legal Services Trust Fund Program. Ten percent of the funds available for distribution will support Partnership Grants to legal services programs “for joint projects of courts and legal services programs to make legal assistance available to pro per litigants.” We expect to distribute approximately \$1.5 million this year.

Partnership Grants are awarded through a competitive process, as distinct from the administration of other Trust Fund Program grants. The Trust Fund Commission and Judicial Council have complete discretion and flexibility to distribute Partnership Grant funds in the way they deem most appropriate. Grant award recommendations approved by the Judicial Council are final decisions. There is no appeals process.

TIMING AND GRANT PERIOD

Partnership Grant proposals must be received in the Trust Fund office **by Friday, July 18, 2014**. We expect to conclude the approval process in December. Grants will be awarded for a one-year period commencing January 1, 2015.

GRANT SIZE

Historically, grants have been awarded in the range of \$30,000 to \$80,000.

SEED MONEY/FUTURE FUNDING

Partnership Grants are intended to be “seed money” to support projects that must eventually be funded from general operating or other sources of revenue. Applicants **must** describe plans for obtaining future funding from other sources to support these projects. A project that has received funding for five years will not be considered for renewal except under extraordinary circumstances.

ELIGIBILITY REQUIREMENTS FOR PARTNERSHIP GRANTS

There are four basic eligibility requirements for Partnership Grants:

1. **Qualified Legal Services Projects.** Applicants must be eligible for 2015 Legal Services Trust Fund Program grants.
2. **Joint Court/Legal Services Program Projects.** Proposals must be for projects jointly developed and implemented by courts and legal services programs, preferably at or near the courthouse.
3. **Indigent Persons.** Use of Partnership Grant funds is restricted to the provision of services to indigent persons, as defined under Business and Professions Code §6213(d).
4. **Self-Represented Civil Litigants in State Court.** Use of the Partnership Grant funds is restricted to providing assistance to individuals who are pursuing matters in state court without the assistance of counsel. These funds cannot be used to make court appearances on behalf of litigants.

SELECTION CRITERIA FOR PARTNERSHIP GRANTS

The Commission will consider the extent to which the proposal addresses all the issues identified in this RFP, and will select a range of projects around the state that serve different client constituencies facing a variety of legal problems.

In its review, the Commission will consider how effectively the proposal addresses the following issues:

1. **Impact of Services.** The Commission will consider how the project will address the needs of the targeted population and how the project will achieve meaningful and timely outcomes.
2. **Collaboration with Cooperating Court.** This project must be jointly undertaken with the court. The Commission will consider the extent to which the applicant and cooperating court will collaborate regarding access for self-represented litigants.
3. **Integration with Court-Based Services.** The Commission will consider the extent to which the applicant's services or planned services are integrated with other court-based services, including the Family Law Facilitator, self-help centers and other offices of the cooperating court.

4. **Court's Impartiality.** The proposal must provide protection for the court's independence and impartiality. If the project intends to serve only one side of a matter/case (e.g., only tenants, or only petitioners), the applicant must demonstrate that it has thoroughly explored all the implications of this decision with the court, and identified alternate legal resources that can provide equivalent levels of assistance to the opposing parties.
5. **Conflict of Interest.** If the project establishes an attorney-client relationship with the self-represented litigants, it must provide meaningful referrals for individuals who are not eligible to use the services because they present a conflict of interest for the project.
6. **Information and Referrals.** The Commission will consider the method(s) by which the project will provide information and referrals to litigants who are not eligible to use its services for any reason.
7. **Additional Support.** In anticipation of the eventual reduction or termination of Partnership Grant support, the applicant must diligently pursue other means for continuing the project. The Commission will consider your efforts to pursue other sources of funding and support, as well as contributions actually received, such as commitments of the program's general operating revenue, recruitment of pro bono volunteers, and in-kind support.
8. **Evaluation.** All applicants must incorporate evaluation plans into their Partnership proposal. Applicants for refunding must complete Form G, and all recipients of 2015 grants must complete a Year-End Evaluation Report.

EQUAL ACCESS FUND - PARTNERSHIP GRANTS

2015 REQUEST FOR PROPOSAL

FOR ALL APPLICANTS

INSTRUCTIONS

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Proposals will consist of the following components (use posted forms only):

- A. Two-page Project Abstract
- B. Ten-page Project Narrative
- C. Assurances for Partnership Grants
- D. Project Budget
- E. Budget Narrative
- F. Indication of Support from Cooperating Court

Submit an **original and five copies (6 total)** of the proposal. Mail or deliver proposals to:

**Lorna Choy, Senior Grants Administrator
Legal Services Trust Fund Program
The State Bar of California
180 Howard Street
San Francisco, CA 94105-1617**

Proposals must be received in the Trust Fund office **by Friday, July 18, 2014**. Also email your proposal in **Word and Excel formats only** to trustfundprogram@calbar.ca.gov.

FORM A. PROJECT ABSTRACT

Provide a general overview of the proposed project and indicate the amount requested. The summary description, standing alone, must accurately and thoroughly summarize the proposed project.

FORM B. PROJECT NARRATIVE

The Project Narrative must be presented in the following format, using the numbers and titles set forth below. Each question must be answered in the narrative, and the proposal must be self-contained. Do not refer the reader to any prior applications, proposals or other documents.

The Project Narrative can be up to ten pages in length, excluding the project abstract, project budget, budget narrative, assurances, letter of support from the court, or the memorandum of understanding.

1. Program's Qualifications

Provide an overview of the applicant program's experience providing assistance to self-represented litigants and the expertise of staff members who are responsible for the project.

2. Needs Assessment

Describe the methods used to assess the unmet needs that will be addressed by the proposed project. Include information about the availability of other legal resources and any other special factors. List the existing resources available to the target population, including written materials, audio-visual and/or technology resources.

Describe the subject matter to be addressed and services to be offered by the project, demographics of the client community, and the geographic area to be served by the project. Explain why the target population is in particular need of services on an ongoing basis.

3. Goals and Objectives

Describe the project's goals and objectives. Specify quantitative goals, such as the number of clinics to be held and the number of litigants to be served. Highlight the outcomes to be achieved both for users of the project and for the court. Explain how the court and other collaborative partners participated in setting the goals and objectives for the project.

4. Types of Services to be Provided

Describe the types of legal issues the project is expected to address. Describe the type and level of services to be provided and the method(s) by which services will be delivered. Identify any new resource materials to be developed and the individual(s) who will be responsible for preparing those materials. Also describe language capabilities among staff and any plans for developing resource materials in multiple languages.

5. Evolution of the Project

Applicants for refunding must identify and explain any changes made to the project since it became operational. Describe any further changes you intend to make as the result of actual experience and/or evaluation outcomes.

6. Collaboration and Partnership with the Court

- a. Explain how the partnership developed, and identify the members of the court who were involved--i.e., court officers, executives, Family Law Facilitator, other self-help projects and offices in the cooperating court(s). Identify the general areas of responsibility that the court has agreed to assume, and those that will remain the responsibility of the applicant.
- b. **Ongoing Planning and Coordination** – Describe plans for meeting with court personnel to discuss both substantive and logistical issues as they arise. Coordination meetings should be scheduled no less often than quarterly and should be conducted with formal agendas.

7. Site and Accessibility

- a. **Location and Hours** - Identify the location or planned location for the project, and days and hours of operation. For courthouse-based projects, describe the signage that has been or will be posted in the courthouse directing consumers to the project. If the project is not located at the courthouse, explain why it cannot be co-located at the court and measure that will be taken to ensure that litigants follow up with the assistance received and otherwise overcome the distance barrier.
- b. **Accessibility** - Explain how this proposed project will ensure that services are available to individuals with physical disabilities or limited English proficiencies.

8. Staffing, Training and Supervision

Describe the staffing and supervisory structure for the project, identifying key personnel if possible. If on-site supervision is not possible for project staff, describe the steps taken to ensure the highest levels of quality control. If the project is designed to utilize volunteers, indicate whether these will be attorneys, paralegals, law students, etc. Describe the work that volunteers will undertake and explain how they will be trained and supervised.

9. Technology and Equipment

Identify the equipment that will be available for use by staff, volunteers, and users of the project, including telephones, copiers, computers, and video equipment. Also identify the database system and any software or web-based legal resources that will be utilized by the project.

10. Litigant Eligibility and Subject Matter Screening

Explain how the project will verify income eligibility to ensure that Partnership Grant funds are only used to serve indigent individuals. Also describe the methods to be used to screen for subject matter eligibility and any triage process for channeling individuals unsuited for self-representation to other resources.

11. Collaborative Partners

Provide information about current and planned collaboration with other legal services programs and other types of organizations in the community. Describe the extent and effectiveness of any existing collaboration and any modifications that are envisioned.

If a sub-grant of any Partnership Grant funds is envisioned, provide details for that arrangement, including plans for oversight and evaluation of the services provided by the sub-grantee.

12. Timetable

For new projects, describe the proposed timetable for implementation of the project in each quarter of the grant year. For ongoing projects, describe the continuing work plan for the grant year.

13. Independence of Existing Court Services

Identify existing services that the court makes available for self-represented litigants, and explain how services provided through the Partnership Grant project will be different. Explain how users of the services will distinguish between the court's neutral role and your Partnership Grant project. Explain steps that will be taken to help litigants avoid confusion about the different services available, and to minimize duplication of effort.

14. Conflicts/Serving Both Sides/Attorney-Client Relationship

a. Do you plan to establish an attorney-client relationship?

If yes, describe the protocols that will be used to check for conflicts. Also explain how individuals will be served in the event a conflict is identified—e.g., referrals to a conflicts panel, independent contractor, etc.

If no, explain how litigants will be made aware of the scope of services to be provided and how customers will be informed that an attorney-client relationship will not be established.

b. Do you expect to serve only one party or side of a matter? If yes, explain why the project has established this limitation. The applicant **must** demonstrate that it has explored with the court all of the implications of this decision to serve one side, and has addressed any risk of an appearance of impropriety on the court's part. Your letter of support from the presiding judge must clearly indicate that the court understands the implications and agrees with the program's decision to serve one side.

15. Referral Protocols

Explain how meaningful referrals will be made in situations where the project cannot provide service, such as where it will serve only one side, lacks resources to provide service to all who seek it, or where a conflict arises. (A “meaningful referral” is one that directs the recipient of the referral to a source of information or advice that will actually assist the recipient.)

- a. Explain how the project will expedite the referral process and ensure that pro per litigants referred to participating entities will be assisted in a *meaningful* manner.
- b. Explain how the project will otherwise address the needs of unrepresented litigants. What information will be available for litigants who are ineligible for services due to income, subject matter or residency?

16. Evaluation

Grantees will be required to assess the quality and effectiveness of their services using a combination of evaluation methodologies. These may include focus groups, customer surveys, interviews with court personnel, file review, and courtroom observations. Materials providing guidance in undertaking such assessments are posted at <http://www.CALegalAdvocates.org>.

- a. Applicants must provide a detailed plan describing how the project’s services will be evaluated. The plan should address both the impact of funded services on the court as well as the benefit of the project’s services for those seeking assistance.
 - 1) Identify the specific evaluation efforts to be undertaken, such as interviews with court personnel or other partners, survey parameters, case file review methodology, and details on any other evaluation process contemplated.
 - 2) Describe plans for ongoing and coordinated evaluation with the court that gathers, organizes and incorporates input from both your legal services program and the court during and after the grant year to ascertain ways to improve services offered through the project.
- b. The submission of evaluation reports is a condition of grant funding.
 - 1) All current recipients are required to complete Form G of this proposal, which is a report on project operations from January 1 - June 30, 2014.
 - 2) After the close of the grant year, all projects will be required to submit a Final Evaluation Report that includes data on the services provided and an accounting of funding and expenditures.

17. Project Continuity

- a.** Applicants for continued funding must describe plans to obtain other sources of funding for 50% to 100% of their project's costs after three years of operations, and to function independently from the Partnership Grants Program after no more than five years.
 - 1) Current recipients should include information about fundraising efforts, commitments of future funding, in-kind contributions, etc.
 - 2) Describe plans for discussion between the applicant program and the court regarding project continuity.
- b.** For projects that have been funded for three years or more, explain the need for continued Partnership Grant funding.
 - 1) List all funding sources that have been approached in the last twelve months, the amounts requested and the revenue actually raised for project operations. Specifically identify any funds that were obtained by leveraging your Partnership Grant.
 - 2) If the applicant was unable to secure other funding or support, explain why fundraising efforts were not successful.
 - 3) Indicate how much of the applicant's general operating funds will be committed to the project for 2015 operations.
- c.** Ordinarily, the Commission will not provide Partnership Grant funding for the same project for more than five years.
 - 1) Any applicant seeking funding beyond the fifth year must describe exceptional and unusual circumstances that justify a departure from the Commission's general practice.
 - 2) Contact Trust Fund staff for further information before preparing such a proposal.

FORM C. ASSURANCES FOR PARTNERSHIP GRANTS

Provide requested signatures on this form.

FORM D. PROJECT BUDGET

The project budget includes the Proposed Partnership Grant, Other Trust Fund Monies and all Non-Trust Fund Monies that will be committed to the project. Include the value of In-Kind Contributions in the last column of the form, and report Projected Carry-Over Funds on line 27.

Also identify proposed staffing for the project. List the individual full-time equivalent (FTE) for each attorney, paralegal and other staff assigned to the project by funding source (Partnership Grant, Other Trust Fund monies, non-Trust Fund monies). If necessary, use a separate page to list additional positions and FTEs.

FORM E. BUDGET NARRATIVE

Complete Form E to provide an explanation for each line item in the project budget. Identify the costs to be covered by a Partnership Grant, Other Trust Fund Monies, and any expenses to be covered with cash contributions by any organization, including the applicant, the cooperating court, or any third party partner. Also identify the nature and source of all in-kind resources to be utilized by the project, the estimated value of such in-kind contributions and the basis for the estimated value.

Expense Categories. Descriptions of expenses to be included in the Project Budget (Form D) and Budget Narrative (Form E) are as follows:

Lawyers. Salaries and wages paid to staff attorney(s), whether full-time, part-time or temporary.

Paralegals. Salaries and wages paid to staff paralegal(s) (including law graduates, legal assistants, and law students), whether full-time, part-time or temporary. Paralegals are persons working under the supervision and control of an attorney, whose duties consist primarily of such activities as intake interviewing, checking court records, legal research, and outreach and community work.

Other Staff. Salaries and wages paid to all other staff, including administrative and support staff, whether full-time, part-time or temporary.

Employee Benefits. Fringe benefits and payroll taxes paid on behalf of employees, such as retirement, FICA, health and life insurance, workers' compensation, unemployment insurance, and other payroll-related costs.

Space. The actual cost of housing staff and services funded by this proposed grant. This may include rent, utility payments, maintenance/janitorial expenses.

Equipment Rental and Maintenance. Lease or rental expenses for equipment (except telephone) to be used by the proposed project; a commensurate share of anticipated maintenance costs for that equipment.

Office Supplies. Basic office supplies, including materials used in copiers and other small equipment. Equipment purchases under \$1,000 may be included here.

Printing and Postage. Outside printing and postage.

Technology. Expenses related to computer software purchases, subscriptions, updates, and online research services.

Telecommunications. Local, long-distance, or cellular telephone service expenses incurred directly by the proposed project. Similar and related expenses for conference calls, videoconferencing, or other telecommunications services should be included as well.

Program Travel. Travel expenses incurred by staff or volunteers to provide services through the proposed project.

Training. Non-personnel costs associated with training or continuing education for **staff members or volunteers** who provide services through the proposed project. You may include the cost of travel to and from training events, per diem, conference registration fees or tuition, purchase or production of training materials, etc. Do not include expenses associated with training that you provide to the public or to other organizations.

Library. Expenses for the maintenance and expansion of office libraries required by the proposed project, including subscriptions to periodicals, books and update services.

Insurance. A share of professional liability insurance and bonding costs proportionate to staff who are funded by the proposed grant. A share of property insurance (fire and theft) and liability insurance for property and automobiles commensurate with their use by the proposed project.

Audit. Costs related to auditing the Partnership Grant. Do not include costs for bookkeeping or ongoing accounting services here.

Evaluation. Expenses for gathering and analyzing information and data, and reporting on the effectiveness of services provided through the project.

Contract Service to Clients. Payments to private attorneys, consultants or organizations to provide professional services to litigants through the proposed project. **Itemize** individual contracts, specifying contractors, the general nature of duties to be performed, the rate of compensation and the contract amount.

Contract Service to Organization. Payments for all other services to the organization specifically with regard to the proposed project. **Itemize** individual contracts, specifying contractors, the general nature of duties to be performed, the rate of compensation, and the contract amount.

Other. Expenses not included above. **Itemize** individual “Other” expenses.

FORM F. SUPPORT FROM COOPERATING COURT

Letter of Support. All applicant programs must provide a letter of support signed by the Presiding Judge of the court agreeing to cooperate on the proposed project. If the project will serve one side only, the court’s letter must clearly indicate that it understands the nature of the planned services and confirms its support for such a program.

Memorandum of Understanding. All applicants must provide a copy of a formal agreement with the cooperating court setting forth the duties and responsibilities of each party relative to the proposed project. This agreement should reflect all financial and/or in-kind support to be provided by each party, and all logistical and administrative matters reflected in the proposal. Grant funds will not be disbursed without receipt of a fully-executed agreement.

- ❖ Programs with existing projects must include a copy of their *currently-effective Memorandum of Understanding*, together with a description of any changes that are proposed for the coming grant year and the reasons for such changes. Revised MOUs must be submitted **no later than December 19, 2014**.
- ❖ For programs applying for new project funding, the Memorandum of Understanding must be submitted **no later than December 19, 2014**.

FORM G. STATUS REPORT FOR 2014 PROJECTS

Current recipients must provide information regarding project operations during the first six months of 2014.