

INSTRUCTIONS FOR COMPLETING APPLICATION FOR LEGAL SERVICES PROJECTS

Your original application, including the Application Checklist and one copy of all application forms, 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 94105-1639**. 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.**

Submit an electronic copy of the application forms 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, put the Application Checklist on top and arrange the rest of the material in the order listed on the Checklist.

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

- A. New Application for Funding.** Place a check mark in this box if your organization has never been found eligible for funding from the Legal Services Trust Fund Program.
- B. Application for Refunding.** Place a check mark in this box if your organization has been found eligible for funding from the Legal Services Trust Fund Program in previous grant period(s).
 - 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." *Only one application may be submitted by each corporation.*
 - 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 number, including area code.
 - 4. Website:** List the URL of 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:** List all counties served and identify the branch or regional office that serves each county.
7. **Staff Director:** Print or type the full name and title of the applicant's director or chief executive officer. Also provide the direct telephone number, e-mail address and original signature of the staff director or chief executive officer.
8. **Second Contact Person:** List the name, title, direct telephone number, and e-mail address of a second person to contact if any questions arise regarding your application.
9. **Fiscal Contact Person:** List the name, title, direct telephone number, and e-mail address of the person to be contacted if any questions arise specific to your financial information.
10. **Chairperson of Governing Board:** Print or type the full name, business address, e-mail address and telephone number of the current chairperson of the applicant's governing board. Also provide an original signature of the chairperson. In the case of law school programs, provide information for the law school dean.
11. Check this box if any information has changed since submission of your last application.

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

Include a general description of your client population and service area, your service priorities and the mechanism(s) used to deliver services. Also briefly identify your functional activities (e.g., representation of clients, community outreach and education, legislative and administrative advocacy, training and support activities).

III. Eligibility Criteria for Legal Services Projects. All applicants must complete this form.

In order to be eligible for funding, the applicant must meet one of the requirements under A. **and** the requirements of one of the designated six categories under B.

- A. Mark the category under which you qualify for funding as a "legal services project." [See B&P Code §6213(a) and the Eligibility Guidelines for Legal Services Projects.]
- B. Mark one category under which you qualify for funding. [See B&P Code §6214; Eligibility Guidelines 2.5 and 2.6.]
 1. **A recipient of Legal Services Corporation funds.** The applicant must receive funds directly from LSC. The grant award letter that shows the amount of money awarded from LSC for the current funding year must be enclosed with your application package.
 2. **A recipient of Older Americans Act funds through an Area Agency on Aging.** The applicant must receive funds directly from an Area Agency on Aging. The contract or determination letter that shows the amount of money awarded from OAA funds for the current funding year must be enclosed with your application package.

3. **A recipient of LSC funds through an LSC-approved contract with another organization that is an LSC grant recipient.** The applicant receives funds from an agency that is directly funded by LSC. The contract or determination letter that shows the amount of money awarded from the LSC-funded agency for the current funding year must be enclosed with your application package.
4. **A recipient of Older Americans Act funds through an Area Agency on Aging-approved contract with another agency that is funded directly by an Area Agency on Aging.** The applicant receives funds from an agency that is directly funded by an Area Agency on Aging. The contract or determination letter that shows the amount of money awarded from the OAA-funded agency for the current funding year must be enclosed with your application package.
5. **A project that recruits pro bono lawyers.** An applicant in this category must have a total non-Trust Fund budget of at least \$20,000 demonstrated in its audited/reviewed financial statement for the preceding fiscal year. An applicant in this eligibility category must complete Forms III-A and III-B.

(Applicants found eligible in this category may be eligible for additional funds pursuant to Business and Professions Code §6216(b)(1)(A) and Rule 3.680(A) of the Rules of the State Bar.)

6. **A project that provides services to a special client group.** An applicant in this category must have a total non-Trust Fund cash budget of at least \$20,000 demonstrated in its audited/reviewed financial statement for the preceding fiscal year. An applicant in this eligibility category must complete Form III-A.

- C. Check “yes” or “no” to indicate whether you are applying for an additional allocation as a pro bono program. [See B&P Code §6216(b)(1)(B); Eligibility Guideline 2.9.] If you check “yes,” complete Form III-A, Parts A and B. Also complete a separate Form III-B for each county for which you are applying for an additional allocation.

III-A. Additional Requirements for Projects Applying Under the \$20,000 Eligibility Criteria.

This form is to be completed by applicants that check box 5 or 6 of Form III-Eligibility Criteria for Legal Services Projects. This form provides information regarding the income and community support requirements and special services requirements for applicants under the \$20,000 eligibility criteria. [See B&P Code §6214(b).]

Part A. Income and Community Support Requirement.

1. Income from sources other than the Trust Fund Program must total at least \$20,000 in annual cash funds. Check here to indicate whether Form IX-Source of Funding Report shows such income.
2. If the local contributions listed on Form IX total less than \$20,000, you must demonstrate community support through the donation of services, in-kind donations, or non-cash contributions – e.g. by service of local community leaders on your board of directors, fundraising committees, etc., or otherwise

demonstrate that the community actually supports the operation of a viable ongoing program. Letters of support from local community leaders are not sufficient to demonstrate the community support required by Business and Professions Code §6214(b)(2).

Local sources of funds include public sources of funds from city and county agencies and local business enterprises. This also includes such other local sources of funds as United Way, private local foundations, local and specialty bar associations, and individual donations.

Part B. Special Services Requirement.

Select the category that best describes the special services provided by the program.

1. This category requests information regarding the recruitment of attorneys to provide free legal services to the poor requirement for applicants under the \$20,000 eligibility criteria. [See B&P Code §6214(b)(1)(A).]
 - a. Indicate the number of attorneys who donated their services to the program in the calendar year ended most recently. This should include only attorneys in private practice who donated their services through the program to provide free civil legal services to the poor. An attorney who is not an employee of the applicant can be considered "in private practice." Attorneys may be considered "in private practice" even though they work for government agencies, corporations or in non-legal occupations.
 - b. Indicate the total number of attorney hours of service donated to the program in the calendar year ended most recently.
 - c. Indicate the value of donated legal services.
 - d. Explain the formula used for calculating the figure on line c (e.g., the total number of hours donated by attorneys in private practice multiplied by the rates that such attorneys customarily charge paying clients for their services).
2. This category requests information regarding the provision of legal representation, training or technical assistance on matters concerning the special client groups requirement for applicants under the \$20,000 eligibility criteria. [See B&P Code §6214(b)(3)(B).]

"Special Client Group" refers to persons such as the elderly, the disabled, juveniles and non-English-speaking persons [see B&P Code §6210]. Specify the indigent special client groups you served in the calendar year ended most recently and check the boxes that indicate the services you provided.

"Legal Representation" refers to cases in which the applicant has had lead counsel or co-counsel positions in the calendar year ended most recently for cases dealing with special client groups (including elderly, non-English-speaking, juvenile, disabled persons, etc.).

“Training” refers to specialized substantive legal information regarding special client groups which the applicant provides to legal services agencies. Training includes informing agencies on ways of dealing with legal issues particular to special client groups. This may include teaching legal skills that would be useful in the administration of cases for special client groups.

“Technical Assistance” refers to research, development or compilation of information on specific legal issues regarding special client groups for legal services agencies.

III-B. Application for Pro Bono Allocation.

Use this form to apply for the additional allocation reserved for organizations that use the volunteer services of private lawyers as their principal means of delivering legal services. You must complete a separate Form III-B for each county for which you are applying for an additional allocation and all data provided must pertain to the calendar year ended most recently.

To qualify for additional funds, you must demonstrate that your principal means of delivering legal services is “the recruitment of substantial numbers of attorneys in private practice to provide free legal representation to indigent persons or to qualified legal services projects in California.” The Trust Fund Commission has described two ways you may demonstrate you meet that requirement, and has left open the possibility that applicants can establish their eligibility by alternative means. Answers to the questions on this form will determine whether you qualify based on either of the two ways defined by the Commission or whether you must establish your eligibility for an additional allocation in some other way. [See Eligibility Guideline 2.9.4.]

Following are definitions of “legal services” and “paralegals”:

- **“Legal services”** include all professional services provided by a member of the State Bar, and similar or complementary services of a law student or paralegal under the supervision and control of a member of the State Bar in accordance with law. [See Rule 3.672 of the Rules of the State Bar.]

For further clarification, “legal services” include, but are not limited to, the following activities:

- Work with and for individual clients, including interviews, group clinics, research, document preparation and advocacy; similar or related work for organizational or group clients.
- Lobbying, administrative and policy advocacy, and work with community groups on legal issues.
- Community legal education, including research, writing, preparation and presentations.
- Editing, writing and updating substantive legal manuals, self-help materials for clients, and materials for policy advocacy.
- Legal training, including preparation and training time for both presenters and trainees.

- Supervising the legal work of staff and volunteers (including time spent both by the supervisor and by the person being supervised), and directing and managing litigation or other legal projects. This includes group meetings as well as individual meetings and document review.

For purpose of this form, "legal services" does not include the following activities:

- Management and administration of the non-legal activities of the organization, e.g., fundraising, grant management, financial management.
 - Administrative coordination of volunteers, including recruitment, training, scheduling and recognition.
 - Recruitment, hiring and personnel management of staff.
 - Leave time, including vacation, holidays and sick leave.
 - Travel time.
- **"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. [See also B&P Code §6450 et seq.]
1. Report the number of attorneys who donated their time to provide free legal services to the poor in column a. In column c, report the total number of hours of free legal services in civil matters provided by the volunteer attorneys.
 2. Report the total number of paralegals who donated their time to provide free legal services to the poor in column a. In column c, report the total number of hours of legal services provided by the volunteer paralegals.
 3. Report the total number of law students who donated their time to provide free legal services to the poor in column a. In column c, report the total number of hours of legal services provided by the volunteer law students.
 4. Report the total number of staff attorneys and their full-time equivalents in columns a and b. Report the total number of hours of legal services they provided in column c.
 5. Report the total number of staff paralegals in column a, and their full-time equivalents in column b. Report the number of hours of legal services they provided in column c.
 6. Report the total number of paid law students and their full-time equivalents in columns a and b. Report the number of hours of legal services they provided in column c.
 7. To corroborate the figures provided in columns a and c for rows 1, 2 and 3, describe the program's system for collecting information and maintaining records of donated hours. If the figures provided are based on estimates, explain the basis for the reported figures.
 8. For rows 4, 5 and 6, provide information regarding the number of staff and paid law students who provided legal services. List all positions and their corresponding full-time

equivalents. If you did not count all staff hours worked as legal services hours, explain the method used to calculate the figures in rows 4, 5 and 6 and describe the type of work you are not counting as legal services.

9. One method by which an applicant may demonstrate that its principal means of delivering legal services is the recruitment of volunteer attorneys is to show by objective evidence that the attorneys recruited actually provide substantial free civil legal services and that the hours of services provided by recruited attorneys exceed the hours of services provided by lawyers employed by the applicant. If so, check "yes."
10. A second method by which an applicant may demonstrate its principal means of delivering legal services is to show by objective evidence (a) that the attorneys recruited actually provide substantial free civil legal services; (b) that the combined number of hours of service provided by volunteers, including attorneys, paralegals and law students, exceeds the combined number of hours of service provided by staff attorneys, paralegals and paid law students; and (c) that the number of hours of service provided by volunteer attorneys is more than half the total number of hours of service provided by staff attorneys, paralegals and paid law students.

Do not answer question 10 if you answered "yes" to question 9. If the answer to either 10d or 10e is "no," go to question 11.

11. If neither of the above methods establishes that *pro bono* volunteers represent your principal means of delivering legal services, you must describe and explain the reasons you believe the Commission should find your program eligible for the additional allocation. Answer this question if the answer to question 9 was "no" and the answer to either question 10d or 10e was "no."

Your explanation should include a description of (a) the supervision and support that staff provides to volunteers; (b) the relative resources devoted to *pro bono* activities as compared to those activities that involve only staff; (c) the quantity of time and resources dedicated to recruiting, coordinating and recognizing volunteers; (d) any significant fluctuation in the number of volunteers, or of volunteer hours, from year to year; (e) the percentage of clients who are served by volunteers as compared to those who see only staff; (f) the number of cases referred to the *pro bono* panel; and/or (g) other evidence which demonstrates that legal services are provided principally by volunteers.

IV. Certifications for Legal Services Projects. 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 provided in this package following the Application Checklist. Check the "Certificate of Status" box on page 2 of the form. Follow the directions on the form regarding the 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. Confirm the organization operates exclusively in California or assure that all funds granted will be spent in California.
4. As proof that your program provides legal services, complete Form II-Summary Project Description, Form VII-Annual Case Summary Report, Form VII-A-Report on Self-Help, Education and Outreach Activities and Form VIII-Staffing and Volunteer Report for Legal Services Projects (see instructions for these forms).
5. Attach your organization's income level criteria used to determine client eligibility (include all income levels). Applicants that do not utilize income standards for determining client eligibility must develop and adopt criteria if found eligible for funding. [See B&P Code §6218.] If you restrict services to persons eligible for free services under the Older Americans Act or the Developmentally Disabled Assistance Act, a statement to that effect will be sufficient.
6. Attach a copy of your program's financial statement for the fiscal year ended most recently unless it was previously submitted. An applicant that operated in previous years as a project within an organization providing substantial services other than legal services to indigent persons, but which has since become a separate California nonprofit corporation whose primary purpose and function is the provision of legal services without charge to indigent persons, may establish its status as a qualified legal services project based upon financial statements *that strictly segregate the portion of the organization's expenditures in prior years that were devoted to legal services for indigents*. Thus, if you recently incorporated, having previously operated as part of an umbrella organization, you may use the expenditures of your predecessor organization so long as financial statements strictly segregate the expenditures for legal services. [See Rule 3.672 of the Rules of the State Bar.]
 - Financial statements submitted by an applicant whose gross expenditures are *less than* \$500,000 for the most recent fiscal year must be reviewed or audited by an independent certified public accountant. Financial statements with gross expenditures *in excess of* \$500,000 for the most recent fiscal year *must be audited* by an independent certified public accountant.
 - 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 an allocation will be disbursed.
 - If your fiscal year ends before December 31, you must submit an income and expense statement covering the period from the first day of your fiscal year through December 31st of the calendar year prior to the application deadline. The Commission reserves the right to require an audit or review of this statement.

7. By signing Form IV, the Staff Director and Chairperson of the Program Board certify that the information provided in this statement is true. Provide the original signatures of the Staff Director and the Chairperson of the Program Board.

V. Assurances for Legal Services Projects. All applicants must sign this form.

These items list assurances with which the applicant agrees to comply if it receives a Trust Fund Program allocation. Provide the original signatures of the Staff Director and the Chairperson of the Program Board.

VI. Quality Control Review for Legal Services Projects. All applicants must complete this form.

Check number 1, number 2, or both, as applicable. In addition, provide a description of your case management system (number 3), your supervisory structure (number 4), and your structure for volunteer supervision (number 5). If you received a written program evaluation or review from the Legal Services Corporation, the California Department of Aging or an Area Agency on Aging last year, attach a copy of that evaluation/review/report.

VII. Annual Case Summary Report. All applicants must complete this form.

This form requests information regarding all cases closed and clients you served during the calendar year ended most recently, categorized by the Legal Resolution Code and according to the type of case best described by the Legal Problem Code.

To complete this form, divide all the cases closed by your program during the calendar year ended most recently into the legal problem areas indicated below. Once cases have been properly categorized into legal problem areas, tabulate the number of cases in each problem area according to the category representing the highest level of service or other reasons for case closure.

To complete the client profile data, enter the client characteristics according to age, ethnicity, gender, and English proficiency to the extent this information is available to you. In the column titled "LEP," report statistics regarding clients with limited English proficiency or who were non-English speaking. If that information is not available to you for this application cycle, leave this column blank this year.

- "**Case**" is defined for the purposes of this report as a legal problem (or a set of closely-related legal problems) of a client and the legal activities or processes used in resolving those problems. A case may include brief services such as advice, as well as other types of services including legal representation.
- "**Legal Problem Codes**" are organized by major topical areas assigned to legal problems. Select the category that best describes the client's legal problem. If two or more closely-related legal problems are involved in the case, the category that describes the problem requiring the greatest level of effort to resolve should be selected. The following are brief descriptions of the legal problem categories:

1. **Consumer/Finance** refers to Bankruptcy, Debtor Relief, Collections (including repossession), Deficiency, Garnishment, Contracts, Warranties, Credit Access, Energy, Loans, Installment Purchase, Public Utilities, Unfair Sales Practice, Foreclosure or Title Fraud, or Other Consumer Finance.
 2. **Education/Employment** refers to Education, Job Discrimination, Wage Claims, Other Employment.
 3. **Family** refers to Adoption, Custody, Visitation, Divorce, Separation, Annulment, Guardianship, Conservatorship, Name Change, Parental Rights Termination, Paternity, Spousal Abuse, Support, Other Family.
 4. **Juvenile** refers to Delinquent, Neglected, Abused, Dependent, Other Juvenile.
 5. **Health** refers to Medicare, Medicaid, Other Health.
 6. **Housing** refers to Federally-Subsidized Housing Rights, Home Ownership, Real Property, Landlord-Tenant (including foreclosure evictions), Public Housing, Homelessness, Other Housing.
 7. **Income Maintenance** refers to CalWorks, Food Stamps, Social Security, SSI, Unemployment Compensation, Veterans Benefits, Workers' Compensation, Other Income Maintenance.
 8. **Immigration** refers to Naturalization, Asylum, Adjustment of Status, Citizenship, Family Petition, Special Immigrant Juvenile Status, Trafficking, T-Visa and U-Visa.
 9. **Individual Rights** refers to Mental Health, Prisoners' Rights, Disability Rights, Other Individual Rights.
 10. **Miscellaneous** includes Incorporation, Corporate Dissolution, Indian and Tribal Law, License (auto and others), Torts, Wills, Estates, Other Miscellaneous.
- "**Closed Case**" is a case in which there is a resolution of the client's problems or in which the client's problem is not resolved but it is determined that no further action will be taken on the case.
 - "**Legal Resolution**" identifies the highest level of service provided by the program before the case was closed.

"Limited Services" Case Categories

- **Counsel and Advice** includes preparing and providing advice to the client, e.g., reviewing relevant information and counseling the client on how to take action to resolve the issue.
- **Limited Action** refers to services provided to a client that involved preparation of relatively simple or routine documents and relatively brief interactions with other parties. Examples include preparing short letters, drafting a routine will or power of attorney, making a telephone call, helping a *pro se* client prepare court or other legal documents.

"Extended Services" Case Categories

- **Negotiated Settlement without Litigation** applies to those cases in which the program negotiated and reached an actual settlement on behalf of a client prior to the initiation of a court or administrative action.
- **Negotiated Settlement with Litigation** applies to those cases in which the program negotiated and reached an actual settlement on behalf of a client after initiation of a court or administrative action, e.g., resolution of a dispute after suit has been filed.
- **Administrative Agency Decision** applies to all cases in which the program represented a client in an administrative agency action that resulted in a case dispositive decision by the administrative agency or body after a hearing or other formal administrative process.
- **Court Decision** applies to all cases in which the program represented a client that resulted in a case dispositive decision made by the court.
- **Extensive Service (not resulting in Settlement or Court or Administrative Action)** applies in cases where the program undertook extensive activities (research, preparation of complex legal documents, interaction with third parties on behalf of the client, ongoing assistance to clients, etc), but the cases did not conclude with a negotiated settlement or a decision from an administrative agency or court. Cases in which an order of withdrawal or voluntary dismissal is entered should also be closed in this category.
- **Other** applies to cases that do not fit any of the preceding legal resolution categories. Cases which fit two or more categories should be closed in the category which best reflects the level of service provided.
- **"Other Reasons Why Case Was Closed"** describes the circumstances or events causing the program to determine that no further action is to be taken on the case for reasons not included in the previous categories.
 - **Referred after Legal Assessment** refers to circumstances in which a client is referred outside the program because new intake information or developments in the case indicate that the program should not handle the case, or that the client would be better served by a referral outside the program. **This category does not include referrals made at the time of intake.**
 - **Insufficient Merit to Proceed** applies to situations where it is determined that there are no legal grounds upon which to pursue the issue because of new facts or circumstances even though the applicant was initially accepted as a client.
 - **Change in Eligibility Status or Client Withdrew or Did Not Return** refers to cases in which an applicant who has been accepted as a client is found no longer eligible for services because of failure to meet the "indigent person" definition as expressed in the statute due to new circumstances, e.g., employment or income changes. It also includes cases in which the client failed to return to the program

during the course of the case and could not be contacted by the program as well as all cases in which the client decided not to proceed with the case, e.g., client in an eviction case decided to move out instead of proceeding with legal action.

- ◇ **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.
 - a. case name or title of matter;
 - b. the legal issues raised by the matter;
 - c. the forum in which the matter was pursued, e.g., specific court, administrative agency, legislative body, etc.;
 - d. the amount of time spent on the case;
 - e. a brief description of the work done on the case, as well as any specific achievements or accomplishments realized in the past calendar year;
 - f. the primary beneficiary or beneficiaries of the service;
 - g. in the case of a class action, the definition and size of the class; and
 - h. the relationship between the legal issues raised by the matter to the needs of indigent persons, and the extent to which indigent persons are impacted by these issues.
- ◇ **Advocacy Activities:** 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:
 - a. identify and briefly describe the matter;
 - b. identify the forum or jurisdiction in which services were provided;
 - c. identify the amount of time spent on the matter;
 - d. describe the nature of your advocacy support; and
 - e. identify any specific actions or accomplishments realized during the past calendar year.

VII-A. Report on Self-Help, Education and Outreach Activities.

This form requests information concerning your efforts to provide services and training to persons other than “clients” through court-based projects, self-help clinics, community legal education and outreach programs. You may report the number of individuals or litigants served, workshops or clinics conducted, or other relevant information on this form. Do not report “case” statistics on this form.

VIII. Staffing and Volunteer Report for Legal Services Projects. All applicants must complete this form.

This form requests information regarding staffing of the applicant in the previous calendar year. It also requests data on the number of volunteers and the hours they donated toward the provision of free civil legal services in the previous calendar year. All applicants must complete each column as it applies to the program's staffing and volunteer components. Programs that have completed Form III-B must also provide relevant figures in the Volunteer columns on Form VIII.

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" 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 staff 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 non-employees who donated legal services to the program. Enter the number of volunteers and the legal services hours contributed in each category. To the extent you have the information available, complete the table that asks for details regarding your volunteers.

6. Attach the requested documents at the back of the application.

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 Staff" positions reflected on line 5 in the space provided. Also indicate the full-time equivalent of each position listed.

Provide a current salary schedule and a complete set of job descriptions for all filled and unfilled positions. Include minimum experience and educational requirements. *Do not send job announcements.*

IX. 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 subtotal 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 1, "Foundations.") At line 5c, state the total of all funding from government sources other than LSC or OAA. In the box below 5c, provide information about your two largest grants in each identified subcategory, as applicable, including the agency making the grant,

the general purpose of the grant (i.e., "DOJ/VAWA"), and the amount of the grant. **Do not include any cash support received through the Trust Fund Program, including IOLTA grants, Equal Access Fund grants, or Justice Gap Funds (currently distributed as part of IOLTA grants).**

X. 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 services to the indigent [see Rule 3.672] and to determine the amount of your allocation.

Provide the *corporation's* total cash expenditures for the preceding calendar year. If your program is part of a corporation other than a law school, you must indicate the corporation's total expenditures on this form. If you are a law school program, indicate the total expenditures for your program.

An applicant that operated in previous years as a project within an organization providing substantial services other than legal services to indigent persons, or as an entity other than a corporation, *but which has since become a separate California nonprofit corporation* whose primary purpose and function is the provision of legal services without charge to indigent persons, may establish its status as a qualified legal services project and its proportionate entitlement to funds based upon financial statements that strictly segregate the portion of the organization's expenditures in prior years that were devoted to legal services for indigents. Thus, if you are recently incorporated having previously operated as a project within an umbrella organization, you may use the expenditures of your predecessor project on this form.

1. Indicate applicant name.
2. Provide the name, direct telephone number and e-mail 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 fiscal year figures if they are for a period other than the calendar year.
 - 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. [See B&P Code §6450 et seq.]

6. **Other Staff:** This category should include salaries and wages paid to all other program staff, whether administrative/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 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, Printing and Postage:** This category includes all basic office accessories and supplies, including materials used in copiers and printers. Printing and postage, which may be recorded in special accounts, are included in this category. Equipment purchases under \$1,000 may also be placed under this line item.
13. **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.
14. **Program Travel:** This category includes travel expenses directly related to specific client matters, circuit riding, program administration, etc. While most travel placed in this category will be local or intrastate, include interstate travel here also.
15. **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, consultant fees paid to trainers, etc. No program personnel costs, or costs training employees or volunteers of other organizations, should be included here.
16. **Library:** This category includes expenses for the maintenance and normal expansion of office libraries, including subscriptions to periodicals, books, online research services, CD ROMs, reference materials and multiple volume sets of law books. Depreciation on capital additions to library holdings over \$1,000 should be included under "Depreciation."
17. **Insurance:** This category includes professional liability insurance, bonding, property insurance (fire and theft) and liability insurance for property and automobiles.

18. **Audit:** This category includes expenses related to the independent fiscal review or audit of applicant's financial statements.
19. **Litigation:** This category includes court costs, witness fees, expert witness expenses, photocopying fees and other expenses incurred but not recovered in litigation on behalf of eligible clients.
20. **Depreciation:** This category includes depreciation expense on furniture, equipment and library purchases over \$1,000 per item and on owned real property.
- 20a. **Capital Additions:** Indicate the total cost of capital additions during the preceding calendar year. Do not include this amount in the total on lines 24 and 25. List individual items and associated costs on a separate page.
21. **Contract Service to Clients:** This category includes all payments to private attorneys or others who provide legal services to clients. Itemize individual costs on a separate page; provide program names and amounts for any contracts you have with other legal services programs or support centers.

When funds are contributed by one program that is applying for a Trust Fund allocation to another Trust Fund applicant, both programs must disclose the contributed amount in their application.
22. **Contract Service to Program:** This category includes services to the program, such as legal counsel for program operations, consultant fees for training, IT services, bookkeeping or other accounting services, etc. Itemize individual costs on a separate page.
23. **Other:** This category includes all program expenses not included above. Itemize individual costs on a separate page.
24. **Total Non-Personnel:** Add lines 10 through 23.
25. **Total:** Add lines 9 and 24. Enter this amount on line 1 of Form XI.

XI. Qualified Expenditures. All applicants must complete this form.

This form segregates your previous year's expenditures that were for the provision of free civil legal services to indigent persons from those expenditures that were for other activities. This information will be used to determine the amount of your allocation under the Trust Fund Program.

If you answer "yes" on any line, enter a dollar amount for that line and complete Form XI-A to explain how you arrived at the figure.

1. Enter the amount from line 25 of Form X to indicate the corporation's total expenditures for the preceding calendar year.
2. If legal services are only part of your corporation's activities, enter the amount spent on other activities.

3. If you provided legal services in criminal matters, enter the amount of your expenditures for such services.
- 4a. If you charged clients for any legal services in civil matters, other than requiring payments for costs and expenses or a processing fee of \$20 or less, enter the amount of the expenditures incurred providing services for which you charged. [See Commentary to Guideline 2.3.2.]
- 4b. If you charged clients a processing fee of more than \$10 but less than \$20, enter the amount of all processing fees that exceeded \$10 per client.
- 4c. If you provided free civil legal services to persons who were not "indigent" as defined in Business and Professions Code §6213(d), indicate the amount of your expenditures for such services on this line.
5. Total lines 2 through 4c.
6. Subtract line 5 from line 1. This is your total expenditure for free civil legal services to indigent persons.
7. Divide line 6 by line 1 to calculate the percentage of your total corporate expenditures incurred while providing free civil legal services to indigent persons.

If this figure is 75% or greater, the corporation will be presumed to meet the "primary purpose and function" test. An applicant not qualifying for the presumption may nevertheless apply for an allocation, demonstrating its purpose and function by other means.

8. If your corporation provided any legal services outside California, show the amount of your expenditures for such services unless they are already deducted above.
9. If funds were paid by one Trust Fund Program applicant to another, both programs must disclose the amount of any such payment(s) in their application. Funds will be counted only for the program receiving the funds unless a contrary agreement has been made between the two applicants providing for a different allocation of credit for the paid funds. If such an agreement has been made, both the contributing and receiving programs must provide a copy of that agreement as an attachment to their applications.

Indicate whether you paid any money to another legal services program that is applying for an allocation from the Trust Fund Program. If "yes," identify the amount so paid which you received from (a) the Trust Fund Program, and (b) sources other than the Trust Fund Program.

If you paid any money to another legal services program that is applying for an allocation from the Trust Fund Program, itemize the amount(s) paid on Form XI-A, number 2.

10. If you are a program that paid any non-Trust Fund money to another legal services program and the recipient has agreed to allow you to count the funds, enter the amount here. Itemize the amount on Form XI-A, number 3.

11. If you received any money from another legal services program that is applying for an allocation from the Trust Fund Program, and that has allowed your program to “count” the money, indicate the amount(s) received on this line. Itemize the receipts on Form XI-A, number 4.
12. If you are a legal services program that received such funds but agreed to give credit for the funds to the program contributing those funds, enter the amount here. Itemize the amount on Form XI-A, number 5.
13. Add lines 8, 9b and 12.
14. Subtract line 13 from line 6. If you serve two or more counties, use this number to complete Form XI-B.
15. Enter the amount of your previous calendar year Trust Fund Program grant expenditures for expenses other than capital additions. (Since the cost of capital additions is not included in the figure on line 1, do not subtract that cost here.) Separately identify expenditures from both IOLTA and Equal Access Fund grants. Do not include Partnership Grant expenses. These figures must agree with the Quarterly Expenditure Reports that you previously submitted to the Trust Fund Program. IOLTA and IOLTA-formula EAF grant expenses will not be considered when calculating allocations for the next grant period.
16. Subtract line 15 from line 14. This is your total non-Trust Fund Program expenditure for free civil legal services to indigent persons in California. ***This figure will be used to determine the amount of your allocation.***

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

Complete this form if:

- you answered “yes” to questions 2, 3, 4, 8, 9, 10, 11 and/or 12 on Form XI;
- more than 10% of your services are provided to organizations; and/or
- more than 10% of your services are for the benefit of a group or class of persons other than your individual clients.

Attach additional pages to Form XI-A as needed to provide all the required information.

1. Answer this question if you responded “yes” to questions 2, 3, 4 or 8 on Form XI. In other words, if your corporation had activities other than providing civil legal services without charge to indigent persons in California during the previous calendar year, you must provide additional information here. Your answers here should clearly demonstrate that the expenditure figures entered on Form XI represent the total cost of providing the “non-qualifying” services, including not only salaries and direct expenses but all related indirect and overhead costs.

Explain the basis of your computation of expenditures for non-qualifying work. Identify the records used to calculate the expenditure figure and how you used them. Such records might include, for example, client or case counts, time sheets or accounting records. If you rely on estimates to establish the amount of these expenditures, you must make the estimates by a method that is reasonably related to the actual expenditure of funds and explain the basis of the estimates. [See the Commentary to Eligibility Guideline 2.7.3.]

2. If you answered "yes" to question 9 because you paid money to an applicant for a Trust Fund Program grant, list the name(s) of the legal services program(s) and the pertinent amounts. **Attach copies of all contracts and letters of agreement.**
3. If you answered "yes" to question 10 because you paid money to an applicant for a Trust Fund Program grant that has agreed to allow you to "count" the money, list the name(s) of the legal services program(s) and the pertinent amounts. **Attach copies of all contracts and letters of agreement.**
4. If you answered "yes" to question 11 because you received money from another applicant that is applying for Trust Fund grant, and that has allowed your program to "count" the money, list the name(s) of the legal services program(s) and the pertinent amounts. **Attach copies of all contracts and letters of agreement.**
5. If you answered "yes" to question 12 because you received money from an applicant for a Trust Fund Program grant that you have agreed may "count" the money itself, list the name(s) of the legal services program(s) and the pertinent amounts. **Attach copies of all contracts and letters of agreement.**
6. Answer this question if more than 10% of your services are provided to organizations. List the five organizations to which you provided the most legal services during the prior calendar year and, for each organization, supply the following information, but do not disclose information protected by the attorney-client privilege.
 - whether the organization is tax exempt under I.R.C. Section 501(c)(3);
 - the organization's primary purpose as stated in its bylaws or articles;
 - the number and percentage of indigent persons on the board of directors or principal advisory board of the organization; and
 - the percentage of its members who are indigent persons.

Services to these organizational clients may be considered to be "legal services to indigent persons" if the organization provides benefits primarily to persons who are indigent. If you provide some portion of your legal services to organizations that do not meet this standard, you should answer "yes" to question 4c on Form XI, and identify the percentage of overall services provided to such non-qualifying organizations and the basis of your computation under question 1 on this form. If another group or class of individuals is, in fact, the beneficiary of legal services rather than the named organizations, describe the clients and services under question 7 of this form, NOT under question 6.

7. If more than 10% of your services were for the benefit of persons other than, or in addition to, individual clients, identify the ten legal matters in which you expended the largest amount of funds in the previous calendar year. Include the approximate expenditures for each such matter and explain the basis of your calculation.

If some portion of your legal services involved matters for the benefit of a group or class of persons beyond your specific clients but was not primarily for the benefit of indigent persons, you should answer "yes" to question 4c on Form XI, and identify the percentage of your overall services that were provided in such matters and the basis of your computation of their cost under question 1 on this form.

XI-B. Total Expenditures for Each County. This form is to be completed only by applicants that provide services in more than one county.

If you provide free legal services in civil matters to indigent persons in more than one county, you must state the total expenditures for services in each county and explain the basis of your county-by-county allocations.

1. Enter your organization's total expenditures for free legal services in civil matters to indigent persons in California. Use the figure from line 14 of Form XI.
2. Provide the following information:
 - Column (a): List the name of each county served in alphabetical order.
 - Column (b): Divide the figure on line 1 among the counties listed. Enter total expenditures for each county. The total of the amounts in column (b) should equal the amount on line 1.
 - Column (c): Enter the amount of IOLTA grant expenditures incurred during the previous calendar year. The amounts in column (c) should match total expenditures reported in your IOLTA quarterly reports for the previous calendar year.
 - Column (d): Enter the amount of Equal Access Fund grant expenditures incurred during the previous calendar year. The amounts in column (d) should match total expenditures reported in your EAF quarterly reports for the previous calendar year.
 - Column (e): For each county, add the amounts in column (c) and column (d), and subtract that total from the amount in column (b); report the remaining amount in column (e).
3. The following are some of the bases for allocation of expenses among counties served that the Commission has found in past years to be reasonable under appropriate circumstances: numbers of clients served who reside in each county; numbers of cases handled in each county; actual or estimated hours of service provided to clients in each county; actual expense of providing services to clients in each county, including both personnel and non-personnel expenses; statistics that establish the geographic distribution by county of persons who will benefit from the services provided.

In certain circumstances it may be necessary to use a combination of these or other bases to arrive at an allocation methodology that is reasonably related to the actual expenditure of funds. If you use more than one basis, you must describe each basis and list separately the amounts allocated by that basis.

If you allocate expenses to counties other than those in which your individual or organizational clients reside or those in which you provided legal services, the allocation must be reasonably related to the geographic distribution of the indigent persons who will benefit from the services. Identify all such matters and provide the following information:

- a. identify your approximate expenditures for each matter;
- b. explain whether the matter can be expected to establish a precedent and the scope or breadth of that precedent; and
- c. explain the geographic and numeric distribution of the persons that would benefit from a favorable resolution of the legal matter.

If some or all of this information is already included in your responses to Forms VII and XI-A, you may incorporate it here by reference.