



# 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:** August 25, 2009

**SUBJECT:** **REQUEST FOR PROPOSAL:**  
**2010 EQUAL ACCESS FUND PARTNERSHIP GRANTS**

We are pleased to issue this Request for Proposal (RFP) for the eleventh grant period of Partnership Grants (calendar year 2010). This RFP is for both current recipients of Partnership Grants applying for refunding and new applicants.

**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 94105-1639**

**Proposals must be received by Monday, September 28, 2009.** Additionally, please e-mail your proposal to [trustfundprogram@calbar.ca.gov](mailto:trustfundprogram@calbar.ca.gov).

The RFP package includes **three** sections:

- Background Information, Process and Criteria (pages 1-3).
- Instructions (pages 4-13).
- Forms (following page 13).

You will find the electronic version of this package at [www.calbar.ca.gov/ioltaapplicationmaterials](http://www.calbar.ca.gov/ioltaapplicationmaterials). If you have questions, contact this office by e-mail at [trustfundprogram@calbar.ca.gov](mailto:trustfundprogram@calbar.ca.gov), or call a Grants Administrator:

Lorna Choy	(415) 538-2535
Daniel Passamaneck	(415) 538-2403
Denise Teraoka	(415) 538-2545

You may also contact Bonnie Hough at the Administrative Office of the Courts at (415) 865-7668 or [bonnie.hough@jud.ca.gov](mailto:bonnie.hough@jud.ca.gov).

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

**REQUEST FOR PROPOSAL for 2010 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. A total of \$1,600,000 is available this year for Partnership Grants to legal services programs “for joint projects of courts and legal services programs to make legal assistance available to pro per litigants.”

The administration of Partnership Grants funds is different from other Trust Fund Program grants. This is a competitive grant process. The Trust Fund Commission and Judicial Council have complete discretion and flexibility to distribute the funds in the way they deem most appropriate. Once grant decisions have been made and approved by the Judicial Council, they will be final. There is no appeals process.

**TIMING AND GRANT PERIOD**

Partnership Grant proposals must be received in the Trust Fund Office by **Monday, September 28, 2009**. We expect the selection process to be concluded in December. Grants will be awarded for a one-year period commencing January 1, 2010.

**GRANT SIZE**

Historically, grants have been awarded in the range of \$30,000 to \$80,000. The Commission will notify each successful applicant of a final grant amount and will request revisions to the proposed budget if the requested amount varies from the final grant award.

## SEED MONEY/FUTURE FUNDING

These grants are intended to be “seed money” to help 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 for 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

To be eligible to receive a Partnership Grant, there are four basic requirements:

1. **Qualified Legal Services Projects.** Applicants must be current recipients of Legal Services Trust Fund Program grants.
2. **Joint Court/Legal Services Program Projects.** Proposals must be for joint projects of courts and legal services programs, preferably at or near the courthouse.
3. **Indigent.** Recipients of services funded by the grant must be indigent, as defined under Business and Professions Code §6213(d).
4. **Self-Represented Civil Litigants in State Court.** Use of these funds is restricted to providing assistance to litigants who are pursuing matters in state court without the assistance of counsel. Funds cannot be used to make court appearances on behalf of users of the self-help project.

## SELECTION CRITERIA FOR PARTNERSHIP GRANTS

The Commission will consider the extent to which project planners have thoroughly addressed all the issues identified in this RFP, and will select a range of high caliber projects around the state that serve different client constituencies with 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 the extent to which the project will address the needs of the targeted population resulting in meaningful and timely outcomes.
2. **Collaboration with Cooperating Court.** This must be a joint project with the court. The Commission will consider the extent to which the applicant and cooperating court plan to 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 Commission will evaluate all proposals to determine their ability to protect 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 Commission requires the applicant to demonstrate that it has sufficiently explored all the implications of this decision with the court, and identified alternate legal resources that can provide equivalent assistance to the opposing parties.
5. **Conflict of Interest.** If a project establishes an attorney-client relationship with the litigants, the Commission will evaluate the availability of 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 the services for any reason.
7. **Additional Support.** In anticipation of the eventual reduction or elimination of a Partnership Grant, the Commission will consider the applicant's diligence in pursuing other support for the continuation of the project. It will take into account your efforts to pursue other sources of funding and support, as well as funds or support actually contributed, 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 into their Partnership proposal (refer to No. 11 of the Instructions). Applicants seeking refunding will be assessed on their utilization of evaluation results.

# EQUAL ACCESS FUND - PARTNERSHIP GRANTS

## 2010 REQUEST FOR PROPOSAL

### FOR ALL APPLICANTS

#### INSTRUCTIONS

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Proposals will consist of the following components:

- A. Two-page Project Abstract (using attached form)
- B. Ten-page Project Narrative (using attached form)
- C. Assurances for Partnership Grants (using attached form)
- D. Project Budget (using attached form)
- E. Budget Narrative (using attached form)
- 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 94105-1639**

Proposals must be received in the Trust Fund Office by **Monday, September 28, 2009**. Also e-mail your entire proposal to [trustfundprogram@calbar.ca.gov](mailto:trustfundprogram@calbar.ca.gov).

#### **FORM A. PROJECT ABSTRACT**

Use the two-page form to provide general project information and to indicate the amount requested. The summary description, standing alone, must fairly and accurately summarize the proposed project.

#### **FORM B. PROJECT NARRATIVE**

The Project Narrative must be in the following format, using the numbers and titles set forth below. Each question must be answered in the narrative. 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, single-spaced, in lettering no smaller than 12 points. Pages must be numbered. The 10-page limit does not include the project abstract, project budget, budget narrative, assurances, the letter of support from the court, or the Memorandum of Understanding.

**Applicants for refunding:** Identify and explain any changes to your project since it became operational, with particular attention to differences in current-year operations from those stated in your approved proposal. Describe any further changes you intend to make as the result of your experience and/or evaluation outcomes.

### **1. Program's Qualifications**

Provide an overview of your program's qualifications, highlighting 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 select the subject matter to be addressed and services to be offered by the project, including a clear rationale for the decision. Describe the demographics of the client community and the geographic area served by the project. Explain why the target population is in particular need of services on an ongoing basis. Include information about the lack of other legal resources and any other special factors.

### **3. Goals and Objectives**

Describe the project's goals and objectives and, if you are applying for refunding, whether they have changed over the life of the project or are expected to change for this funding cycle. Include quantitative goals and estimates of the actual number of litigants to be served. Highlight the outcomes to be achieved for users of the project. Discuss the involvement of the court and other collaborative partners in setting and achieving the goals and objectives.

### **4. Types of Services and Resources Available**

Describe the subject areas to be covered and types of services to be offered. Applicants for refunding must describe all changes envisioned for the proposed continuation of the project and the reasons for any such changes. Describe the specific kinds of legal problems you expect to address and how services will be delivered to pro per litigants.

Identify or list resources available to pro per litigants, including written materials, audio-visual resources and/or computer stations. Identify any new resources to be developed. Who will be responsible for preparing those materials or other resources? Will resources be available in multiple languages? How will you publicize the availability of existing or new resources?

## 5. Litigant Eligibility and Subject Matter Screening

Describe how you will verify income eligibility for each litigant. Also describe the methods you will use to screen for subject matter eligibility.

## 6. Conflicts/Serving Both Sides/Attorney-Client Relationship

- a. If the project expects to establish an attorney-client relationship with any litigant, describe how you will check for conflicts. Will you have online access to the program's database, or will some other method be used to check for conflicts? Describe any conflicts panel you have established or plan to establish, and the protocols to be used for making referrals.
- b. If the project intends to serve only one party or side of a matter, explain why the project will limit its services in this way. 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. The letter from the presiding judge must clearly indicate that the court understands the implications and agrees with the program's decision to serve one side.

Describe all steps taken to ensure that the interests of the opposing parties have been considered. List all persons and/or offices with whom you have communicated that provide services in the courthouse, or in the relevant area(s) of law (e.g., public defender's office, association of landlords' attorneys, etc.).

- c. If the project does not expect to establish attorney-client relationships, describe the methods that will be used to make litigants aware of any limitations on the scope of services to be provided. How will you ensure that customers understand an attorney-client relationship will not be established?

## 7. Referral Protocols

Describe referral information that is being or will be provided to ineligible litigants:

- a. How will you make *meaningful referrals* in situations where the project will serve only one side, 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.)
  - 1) Describe the commitments made by the entities to which litigants will be referred. What arrangements have been made to expedite the referral process and to guarantee effective referrals?
  - 2) Describe the procedures and protocols used to ensure referred pro per litigants are being assisted in a *meaningful* manner by said entities.

- 3) Describe how you will otherwise address the needs of unrepresented litigants. For example, will general information in the form of fact sheets, videos or other materials be available to those who are referred elsewhere?
- b. For litigants who are ineligible for services due to income, subject matter or residency, what arrangements will be made to provide them referrals or otherwise address their needs? Will general information in the form of fact sheets, videos or other materials be available to these individuals?

## **8. Staffing, Training and Supervision**

Identify the staffing for the project. If you expect to use volunteers, indicate the number of volunteers involved and describe the work that volunteers will undertake. How will staff and volunteers be trained? Who will be responsible for supervision? If the supervisor will not be onsite, describe the steps taken to ensure adequate supervision.

## **9. Technology and Equipment**

Identify the equipment that is or will be available for use by staff and volunteers of the project, including telephones, copiers, and computers. Explain how that equipment is or will be incorporated into the project's operations. If the equipment is or will be shared with other agencies, describe the ways that usage is or will be coordinated. Also identify any equipment that you will make available directly to users of the project. What database systems and web-based legal resources will you utilize?

## **10. Site and Accessibility**

Provide information about the location or planned location for the project, including its accessibility. For courthouse-based projects, describe the signage that has been or will be posted in the courthouse. How will you overcome language barriers and ensure that the services are culturally competent? If the project is not located at the courthouse, explain how you will help ensure that litigants follow up with the assistance received and otherwise overcome the distance barrier.

## **11. Evaluation**

Annual submission of evaluation reports is a condition of funding. All successful applicants will be required to submit an Evaluation Plan in March 2010 and a Final Status Report after the close of the grant year. In addition, successful applicants for projects receiving Partnership Grant funding for the first time must submit an Interim Status Report in July 2010.

The Evaluation Plan and Interim Status Report provide information grantees need to assess project performance compared to stated goals, and to design and implement changes as appropriate. In addition, such reports can help other similarly-situated programs determine best practices, or pitfalls to be avoided. Both the discussion of methodology and the dissemination of findings are important for the effective and efficient use of Equal Access Fund money.

At the close of the grant year, all grantees will be required to report on the quantity of services they provide, their funding and expenditures, and to make an assessment of the quality and effectiveness of the project as a whole. Forms for recording the quantity of services provided, and program funding and expenditures, are available on the Trust Fund Program page of the State Bar Web site – <http://calbar.ca.gov/ioltaapplicationmaterials>. Select “Partnership Grants” from the left sidebar.

Grantees are asked to assess the quality and effectiveness of their services using a combination of evaluation methodologies that 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 the California Legal Advocates Web site. (From their home page, select the “Legal Services Trust Fund Evaluation Toolkit” link at the bottom of the page, and then click the “Evaluation Toolkit” link.)

## **12. Timetable**

For new projects, describe the proposed timetable for implementation of the project in 2010, including plans for each quarter of the grant year. For ongoing projects, describe the continuing work plan for 2010.

## **13. Project Continuity**

Applicants **must** describe plans for obtaining future funding for their projects from other sources. Include fundraising efforts, commitments of future funding, in-kind contributions, etc. Applicants should have plans to obtain other funding for 50% to 100% of their project’s costs after three years of Partnership Grant funding, and to operate independent of the Partnership Grants Program after no more than five years.

For projects that have been funded for three years or more, explain the need for continued Partnership Grant funding. Indicate how much of the program’s own general operating revenues have been committed to the project. Indicate all funding sources that you approached, the amounts requested and the amounts actually raised for 2009 operations. Specifically identify any funds that have been obtained by leveraging your Partnership Grant. If other funding or support was not obtained, explain the reasons why you were not able to garner this support.

Ordinarily, the Commission will not provide Partnership Grant funding for the same project for more than five years. However, recognizing that programs operating in rural locations face particularly difficult challenges related to fundraising, the Commission may consider an application for funding beyond the fifth year. Any applicant seeking funding beyond the fifth year must describe extraordinary circumstances that justify a departure from this policy. You must clearly demonstrate exceptional and unusual circumstances. Please contact Trust Fund staff for further information before preparing such a proposal.

#### **14. Collaborative Partners**

Provide information about others who will collaborate on the project, as well as all in-kind support for the project. Include information about current and planned collaboration with other local legal services programs, the Family Law Facilitator, Family Law Information Center, other self-help projects in the court and community, the Clerk of the Court, and other offices of the cooperating court. Describe the substance and effectiveness of any existing collaboration and any modifications that are envisioned. Explain steps that are being taken to help litigants avoid confusion about the different services available, and to minimize duplication of effort. If a subgrant of any Partnership Grant funds is envisioned, provide details for that arrangement, including plans for oversight and evaluation of the services provided by the subgrantee.

#### **15. Collaborative Planning with the Court**

Provide information about the court that has jointly agreed to sponsor this project, including the history of collaboration between the court and the applicant. Describe the general areas of responsibility that the court has agreed to assume, and those that will remain the responsibility of the applicant.

Existing projects should attach a copy of their current agreements with the court and identify any areas that will be the subject of revisions. Applicants must specifically address the following issues with the court:

- a. Assurance of the Court's Impartiality and Independence** – If the project proposes to provide services for only one party or side of a matter, the court must indicate its agreement and understanding of the implications of this decision in its letter of support. Describe the discussions that have occurred to arrive at that decision and provide specific details regarding the court's understanding.
- b. Ongoing Coordination** – You must arrange for ongoing meetings with court personnel, no less often than quarterly, to discuss collaboration issues as they arise. You should develop formal agendas for these meetings. Services must be coordinated with all self-help providers in the participating court system, including the Family Law Facilitator and the Family Law Information Center, whether or not they provide assistance to the same litigants the project serves.

- c. Clear Distinction Between Parts of Delivery System** – You must identify existing services that the court makes available for self-represented litigants, and clarify how services provided through the Partnership Grant project are different. How will users of the services distinguish between the court's neutral role and your Partnership Grant project?
- d. Services Provided, Information and Referrals** – You must articulate a clear agreement about the types of legal issues covered by this project, resources available, and level of service provided to consumers, as well as clear protocols regarding information and referrals available for persons ineligible for services.
- e. Logistics** – There must be plans for:
- **Security** – providing adequate security for staff, volunteers, and users of the project. Who will provide that security?
  - **Location/Hours** – ensuring the project's location and hours of operation for the provision of services are clearly specified.
  - **Equipment/Supplies** – determining who will provide equipment and supplies. If equipment is to be shared with other offices, describe the limitations to be placed on their use and what, if any, reimbursement will be required.
  - **Shared Space** – addressing all issues that may arise if more than one project is sharing space at the court.
- f. Project Continuity** – There must be plans for discussion between the legal services program and the court regarding the ongoing nature of the proposed project, including whether and how the project can be continued following this grant year.
- g. Evaluation** – There must be plans for ongoing integral evaluation that gathers, organizes and incorporates input from both the legal services program and the court during and after the grant year to ascertain ways to improve the services.

## **FORM C. ASSURANCES FOR PARTNERSHIP GRANTS**

Provide appropriate signatures for the Assurances.

## **FORM D. PROJECT BUDGET**

Use the attached Project Budget form to provide an estimated project budget, including the amount requested for the upcoming funding cycle of Partnership Grants (Column 1), Other Trust Fund monies that the program will commit to the project (Column 2), and Non-Trust Fund monies (Column 3). Identify the value of in-kind contributions, if any, at Column 5. Carry-over Partnership Grant funds should be included at line 25.

## **FORM E. BUDGET NARRATIVE**

Use the attached Project Budget Narrative form to provide an explanation for each line item in the project budget. Identify the costs to be covered by a Partnership Grant, any portion to be covered by other Trust Fund monies, and any expenses to be covered by cash or in-kind contributions by any organization, including the applicant, the cooperating court, or any third party partner. Also identify the nature and source of all cash or 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, case investigations, checking court records, legal research, client representation at administrative hearings 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.** A share of space costs commensurate with the actual costs 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 office furniture, fixtures and equipment (except telephone) acquired for use by the proposed project; a commensurate share of maintenance costs for that equipment whether pursuant to a service contract or an estimate of anticipated repair bills.

**Supplies, Printing and Postage.** Basic office accessories and supplies, including materials used in copiers. Equipment purchases under \$1,000 may be included here. Printing and postage should also be included in this category.

**Telecommunications.** Local, long distance, or cellular telephone service expenses incurred directly by the proposed project. Similar and related expenses for voice mail, conference calls, videoconferencing, or other telecommunications services should be included as well. Telecommunications equipment purchases that will not be depreciated may also be included here.

**Travel.** Travel expenses incurred by staff or volunteers to provide services through, or to administer, 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 or electronic research services. Individual purchases exceeding \$1,000 should be included under "Capital Additions."

**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.

**Capital Additions.** Equipment and library purchases over \$1,000 per item. Provide a separate description for each such proposed purchase. Purchases of tangible personal property with Trust Fund monies are governed by the "Guidelines for Acquisition of Tangible Personal Property."

**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, such as bookkeeping or other accounting services, technology and development consultant fees, etc. **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. INDICATION OF SUPPORT FROM COOPERATING COURT**

**Letter of Support.** Attach a letter of support signed by the Presiding Judge of the Court agreeing to cooperate on the proposed project. If the project is serving one side only, the court’s letter must confirm its support for such a program and clearly indicate that it understands the nature of the planned services.

**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 as regards this project. This agreement should reflect all financial 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 MOU’s may be submitted subsequent to the Commission’s approval of a Partnership Grant, but should be submitted no later than January 29, 2010.
- ❖ For programs applying for new project funding, the Memorandum of Understanding may be submitted subsequent to the Commission’s approval of a Partnership Grant, but should be submitted no later than January 29, 2010.