

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

DIVISION 5. PROVIDERS OF PROGRAMS AND SERVICES

Chapter 2. Legal Services Trust Fund Program

Article 1. Administration of the Legal Services Trust Fund Program

Rule 3.660 Legal Services Trust Fund Commission

The Board of Trustees of the State Bar of California has established a Legal Services Trust Fund Commission (Commission) to administer, in accordance with legal requirements and these rules (Trust Fund Requirements), revenue from IOLTA (Interest on Lawyers' Trust Accounts) and other funds remitted to the Legal Services Trust Fund Program of the State Bar.

Rule 3.660 adopted effective March 6, 2009; amended effective January 1, 2012.

Rule 3.661 Duties of the Legal Services Trust Fund Commission

- (A) The Commission must determine an applicant's eligibility for grants and notify each grant applicant that its application has been approved or denied. If the Commission tentatively approves an application, it issues a notice of the grant award, including the tentative allocation. If the notice requires submission of additional information, the Commission considers the application incomplete pending receipt of the information.
- (B) The Commission must monitor and evaluate a recipient's compliance with Trust Fund Requirements and grant terms. The evaluation may be based on
 - (1) application information, grant reports, and additional information reasonably necessary to determine compliance with Trust Fund Requirements;
 - (2) reasonable site visits scheduled upon adequate notice;
 - (3) an evaluation of a recipient by an impartial third party designated and funded by the Commission; or
 - (4) information from other sources, such as an evaluation provided by the Legal Services Corporation or other funding entity.
- (C) The most recent version of the Standards for the Provision of Civil Legal Aid adopted by the American Bar Association's House of Delegates, as limited by the general introduction to the standards, are the guidelines used by the Commission in approving

the quality control procedures and reviewing and evaluating the maintenance of quality service and professional standards of applicant and recipient programs. With due notice, the Commission may also rely on other standards that are consistent with law and generally accepted access to justice principles in the legal aid community.

- (D) The Commission may terminate a grant for noncompliance or take other action in accordance with Article 4 of this chapter.

Rule 3.661 adopted effective March 6, 2009; amended effective November 16, 2023.

Rule 3.662 Legal Services Trust Fund Commission membership and terms

The Commission consists of 21 voting members and three nonvoting judicial advisors. At least two members must be or have been within five years of appointment indigent persons as defined by statute.¹ No employee or independent contractor acting as a consultant to a potential recipient of Trust Fund grants may be appointed to the Commission.

- (A) The Board of Trustees appoints 14 voting members, 10 of whom must be licensees of the State Bar and four of whom must be public members who have never been admitted to the practice of law in any United States jurisdiction. Each member serves at the pleasure of the Board for a term of four years. The Board may extend a term by an additional year to allow a member to serve as chair or vice-chair.
- (B) The chair of the Judicial Council appoints seven voting members, five of whom must be licensees of the State Bar and two of whom must be public members, as well as three nonvoting judges, one of whom must be an appellate justice. Each member serves at the pleasure of the chair of the Judicial Council for a term of three years.
- (C) The Board of Trustees appoints voting members as chair and vice-chair.

Rule 3.662 adopted effective March 6, 2009; amended effective January 1, 2012; amended effective September 14, 2014; amended effective January 25, 2019.; amended effective May 13, 2021.

Article 2. Construction of certain statutory provisions

Rule 3.670 Operation in California by qualified entities

- (A) A qualified legal services project is required by statute to be a nonprofit corporation operating exclusively in California or a program operated exclusively in California by a nonprofit law school accredited by the State Bar.² A qualified legal services project that is a California nonprofit corporation with operations outside California may be considered as meeting the statutory requirement if it otherwise meets Trust Fund

¹ Business & Professions Code § 6213(d).

² Business & Professions Code § 6213(a).

Requirements and expends Trust Fund Program grant funds only in California.

- (1) Law school clinical programs must provide copies of their or their host institution's Articles of Incorporation and determination letters from the Internal Revenue Service and the State Franchise Tax Board to evidence their nonprofit status.
- (B) A qualified support center is required by statute to be an incorporated nonprofit legal services center that provides through an office in California a significant level of legal support services to qualified legal services projects on a statewide basis.³

Rule 3.670 adopted effective March 6, 2009; amended effective November 16, 2023.

Rule 3.671 Primary purpose and function

- (A) A qualified legal services project is required by statute to have as its primary purpose and function providing legal services without charge to indigent persons.⁴ A qualified legal services project applying for Trust Fund Program funds is presumed to have such a purpose and function if 75 percent or more of its expenditures for the most recent reporting year were incurred for providing free civil legal services to indigent persons. The calculation of 75 percent of expenditures may include a reasonable share of administrative and overhead expenses.
- (B) A qualified support center is required by statute to have as its primary purpose and function the provision of legal training, legal technical assistance, or advocacy support without charge.⁵ A qualified support center applying for funds is presumed to have such a primary purpose and function if 75 percent or more of its budget for the fiscal year for which it is seeking funds is designated to provide such support services, and 75 percent or more of its expenditures for the most recent reporting year were incurred for such services.
- (C) A qualified legal services project or qualified support center that does not meet the 75 percent test may nevertheless apply, provided that the applicant can satisfactorily demonstrate that it meets the primary purpose and function requirement by other means.

Rule 3.671 adopted effective March 6, 2009; amended effective July 1, 2023.

Rule 3.672 Delivery of civil legal services

- (A) "Civil" refers to legal issues, questions, or processes that arise under any body of civil law. The provision of legal assistance with respect to criminal proceedings is not civil

³ Business & Professions Code § 6213(b).

⁴ Business & Professions Code § 6213(a)(1).

⁵ Business & Professions Code § 6213(b).

legal services. Proceedings concerning expungements, record sealing or clearance proceedings not requiring a finding of factual innocence, or infractions are not criminal proceedings, and legal services related thereto are civil legal services. Legal services related to collateral civil issues such as public access, disability accommodations, and language access that arise during criminal proceedings are not legal assistance with respect to criminal proceedings, provided the civil issues do not directly affect determination of guilt, sentencing, or other disposition of the criminal proceeding.

- (B) “Legal services” means work that uses legal knowledge and skills to create, advance, protect, or enforce the legal rights of clients or communities. This encompasses legal representation and non-representational services for individuals and groups. Examples of non-representational services include providing legal information, advice, trainings, and self-help resources. Non-representational services can also include studying legal needs and outcomes to inform legal aid delivery, investigating legal violations, and advocating directly to government bodies on issues of importance to the legal rights of clients or communities. Representation and non-representational services must be performed or supervised by an attorney. “Legal services” may also include complementary services provided they advance a legal outcome and serve as an integral part of an attorney’s strategy in a legal matter or case, and the attorney directs the work in that matter or case. Complementary services and other services by non-attorneys must uphold the attorney-client relationship and avoid interfering with the attorney carrying out their obligations to the client.⁶
- (C) “Legal support services” required by statute to be provided by a qualified support center include but are not limited to
- (1) professional services to qualified legal services projects; and
 - (2) the direct provision of civil legal services to an indigent client of a qualified legal services project, provided the services are provided directly to the client
 - (a) as co-counsel with an attorney employed or recruited by a qualified legal services project; or
 - (b) at the request of an attorney employed or recruited by a qualified legal services project that is unable to assist the client.⁷

Rule 3.672 adopted effective March 6, 2009; amended effective January 25, 2019; amended effective July 1, 2023.

⁶ Business & Professions Code § 6213(a).

⁷ Business & Professions Code § 6213(b).

Rule 3.673 Permissible uses of funds

- (A) A qualified legal services project or qualified support center must use funds received under Business and Professions Code section 6216 to provide legal assistance to indigent persons or qualified legal services projects as defined by statute.⁸ Reasonable administrative expenditures and overhead required to deliver such services meet the statutory requirement. For law school clinical programs, clinical classes in which only clinic students can enroll, and in which clinic participation is an expectation of the class, and which advance the clinic's provision of civil legal services to indigent persons pursuant to Business and Professions Code section 6218(a) are assumed to qualify.
- (B) No recipient may use an allocation made under Business and Professions Code section 6216 to provide services in a fee-generating case, except as described in Business and Professions Code section 6213(e)(1)-(4). If a recipient determines that a case is not fee generating because it qualifies for a statutory exemption,⁹ the recipient must maintain records reflecting the facts that led to that conclusion and any action taken to confirm it. Client reimbursements of nominal costs or expenses are not considered fees. If attorney fees are generated in cases funded by Trust Fund Program grants, the fees must be used only free civil legal services to indigent clients in California.¹⁰ Recipients must maintain complete records of all such fees. Recipients must certify, with their annual IOLTA/EAF application, that any fee generating case which received IOLTA/EAF funds is exempt.
- (C) Except as described in Business and Professions Code section 6213(e)(1)-(4), a fee-generating case means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client.

Rule 3.673 adopted effective March 6, 2009; amended effective November 16, 2023.

Rule 3.674 Income and indigent persons

- (A) "Income" means income as defined in section 1611.2(i) of Title 45 of the Code of Federal Regulations. If an applicant for services identifies as having a disability, income eligibility is calculated only after deducting the costs of medical and other disability-related special expenses, and in the case of veterans with a service-related disability, any disability compensation from the United States Veterans Administration.
- (B) Any of the following are considered "indigent persons"

⁸ Business & Professions Code §§ 6216 and 6223.

⁹ Business & Professions Code § 6213(e)(1).

¹⁰ Business & Professions Code § 6223.

- (1) Persons whose income is 200 percent or less of the current poverty threshold established by the United States Office of Management and Budget;
 - (2) Persons eligible for Supplemental Security Income;
 - (3) Persons who are 60 years of age or older;
 - (4) Persons who identify as having a developmental disability as defined in section 15002 of Title 42 of the United States Code.
- (C) All legal services projects may use the definition of indigent persons as described Rule 3.674(B) to establish eligibility as a qualified legal services project and to calculate their expenditures on free civil legal services for indigent persons. Only qualified legal services projects that the Legal Services Trust Fund Commission has deemed eligible for a pro bono allocation under Business and Professions Code section 6216(b)(1)(B) may use the definition of “indigent person” available “to a project that provides free services of attorneys in private practice without compensation” under Business and Professions Code section 6213(d).
- (D) Pursuant to Business and Professions Code section 6218, qualified legal services projects shall establish financial eligibility guidelines consistent with this rule and other applicable law and regulations. Such guidelines may include provisions allowing qualified legal services projects to disregard income—or make income exceptions—in certain extenuating circumstances, including, but not limited to, the income of resident household members where intimate partner violence has occurred. The Legal Services Trust Fund Commission may reject such eligibility guidelines if it determines they are inconsistent with Business and Professions Code sections 6218(a) or 6213(d).
- (E) Civil legal services provided by legal services projects to organizational clients will be considered services to “indigent persons” if the services provided to the organizational client will primarily benefit persons who are indigent under Business and Professions Code section 6213(d). Factors to be considered in determining whether the organizational client provides services primarily to indigent persons include, but are not limited to
- (1) whether the organization is a tax-exempt nonprofit corporation;
 - (2) the organization’s primary purpose as stated in its articles of incorporation or by-laws;
 - (3) the number and percentage of indigent persons on the board of directors or principal advisory body of the organization; and
 - (4) the percentage of the organizational client’s members who are indigent persons.

- (F) A legal services project providing civil legal services for the benefit of a group or class of persons beyond the legal services project's individual or organizational clients may consider the services as civil legal services provided to indigent persons only if the legal matter is primarily for the benefit of indigent persons or disproportionately impacts indigent persons.
- (1) If a legal services project provided services to a group or class of persons in the prior year, the legal services project must complete a report describing the 10 activities that received the most support, as determined by the staff hours spent on each activity, limited to activities that met or exceeded 50 hours, unless the Legal Services Trust Fund Commission establishes a different reporting requirement. This report will be submitted for Legal Services Trust Fund Commission review as part of the application process under Rule 3.680.
 - (2) If a legal services project must complete a report under Rule 3.674(F)(1), it should demonstrate through objective information that a majority of persons impacted by the activity are indigent. A legal services project may meet this requirement by providing quantitative data based on independent research, internal organizational data, or data provided by other legal service providers or community-based organizations in the area where the legal services project operates, to demonstrate that a majority of those impacted by the activity are indigent.
 - (3) If a legal services project cannot demonstrate that a majority of those impacted by the activity are indigent, it must demonstrate that the activity has a disproportionate impact on indigent persons based on the nature of the activity and the specific anticipated outcomes for indigent persons if the activity succeeds. It must use independent research, its own internal data, or data from other legal service providers or community-based organizations to demonstrate a nexus between the legal issue addressed through the activity and the identified needs of the legal services project's client constituency.

Rule 3.674 adopted effective July 1, 2023.

Article 3. Applications and distributions

Rule 3.680 Application for Trust Fund Program grants

To be considered for a Trust Fund Program grant, a qualified legal services project or qualified support center seeking a Trust Fund Program grant must submit a timely and complete application for funding in the manner prescribed by the Commission. The applicant must agree to use any grant in accordance with grant terms and legal requirements.

- (A) A qualified legal services project must meet statutory criteria.

- (1) A law school clinical program must demonstrate that it meets all of the following criteria: an identifiable and dedicated location designed to provide civil legal services to indigent Californians; dedicated staffing (whether full- or part-time) whose job duties exclusively serve the law school clinical program; a clinical director (regardless of title) with authority over operations and staffing of non-faculty positions; segregation of fiscal records and activities (including, but not limited to, the ability to provide audited confirmation of clinic expenditures); and proof of institutional oversight such as by identifying specific position(s) and/or mechanisms.
 - (2) A law school clinical program must demonstrate it has been in operation for at least two years as of the date on which its application is due. Law school clinical programs may provide a combination of audited financial statements and schedules, budgets, staff lists, class rosters, clinic enrollment records, or functional equivalent.
 - (3) Law school clinical programs may include funds received from parent or affiliate entities and organizations towards the \$20,000 or more in cash funds per year from other sources as required by Business and Professions Code section 6214(b)(1).
- (B) A qualified support center must agree to offer support services in two or more of the following ways: consultation, representation, information services, and training. The board of directors of the support center must establish priorities for providing such services after consulting with legal services attorneys and other relevant stakeholders.
- (C) A support center not in existence prior to December 31, 1980 must demonstrate that it is deemed to be of special need by a majority of qualified legal services projects in accordance with Trust Fund Program procedures. Upon request, the Commission must make available to the applicant a list of all the names and addresses of qualified legal services projects.
- (D) A nonprofit corporation that believes it meets the criteria for a qualified legal services project and qualified support center may submit two applications, one as a project and one as a support center, indicating in each application whether it is to be considered the primary or secondary application. The Commission will consider the secondary application only if the primary application is not approved. No applicant may receive a grant as a qualified legal services project and as a qualified support center.
- (E) An application must include
- (1) an audited financial statement by an independent certified public accountant for the fiscal year that concluded during the prior calendar year. A financial review by an independent certified public accountant in lieu of an audited financial statement may be submitted by an applicant whose gross corporate expenditures, excluding in-kind donated services, were less than the amount specified in the Schedule of Charges and Deadlines. Law school clinical programs may submit audited financial statements for the clinic or law school, provided the latter include a schedule for the clinical program showing its revenues and expenditures;

- (2) information about the maintenance of quality service and professional standards and how the applicant maintains standards, such as internal quality control and review procedures; experience and educational requirements of attorneys and paralegals; supervisory structure, procedures, and responsibilities; job descriptions and current salaries for all filled and unfilled professional and management positions; and fiscal controls and procedures.
 - (3) a budget and budget narrative, which must be submitted within thirty days of receipt of a notice of tentative allocation, explaining how funds will be used to provide civil legal services to indigent persons, especially underserved client groups such as, the elderly, the disabled, juveniles, and non-English-speaking persons within the applicant's service area; and
 - (4) information about program activities, such as substantive practice areas, extent and complexity of services, a summary of litigation, and populations served.
- (F) State Bar staff may accept application materials, except for audited financial statements or financial reviews, which are addressed in Appendix A of these Rules, submitted up to one business day after the posted deadline. The Commission or a committee of its members may accept, accept with conditions, or reject application materials that are submitted beyond one business day after the posted deadline or that are submitted up to one business day after the posted deadline but not accepted by State Bar staff. Factors that the Commission or committee may consider when determining whether to accept a late application include, but are not limited to
- (1) how late after the deadline the submission was received;
 - (2) the completeness of the submission;
 - (3) the reasonableness of the applicant's explanation for the delay;
 - (4) any mitigating factors that the applicant provides to the committee; and
 - (5) the number of late application or reporting submissions made by the applicant in the preceding three years.
- (G) Qualified legal services projects and support centers may apply for competitive discretionary grants if they meet threshold eligibility requirements for those funding opportunities. A scoring rubric will be utilized to aid in the review and evaluation of competitive discretionary grant applications. The scoring rubric should, absent an explanation from the Legal Services Trust Fund Commission, consist of the general selection criteria: Impact, Administration, and Evaluation, as well as other grant-specific criteria. Selection criteria, point allocations, and implementation of the scoring rubric will be at the discretion of the Legal Services Trust Fund Commission.

- (H) The following rules apply to new and returning applicants seeking the additional pro bono allocation under Business and Professions Code section 6216(b)(1)(B). To qualify, an applicant must show (1) that it recruited substantial numbers of pro bono attorneys to provide free legal representation to indigent persons or to qualified legal services projects in California AND (2) that pro bono is the applicant's principal means of delivering legal services by meeting one of the following requirements:
- (1) Providing objective evidence demonstrating that the number of hours of free legal services provided by recruited pro bono attorneys in the prior calendar year exceeded the number of hours of legal services provided by attorneys employed by the applicant.
 - (2) Providing a narrative description and explanation of the applicant's program demonstrating its recruitment of substantial numbers of pro bono attorneys to provide free civil legal services to indigent persons or qualified legal services projects in California and that pro bono is its principal means of delivering these legal services.
 - (a) Substantial numbers shall be demonstrated through a description of the following factors:
 1. The number of pro bono attorneys recruited;
 2. The number of pro bono attorneys recruited compared to the number of attorneys on staff;
 3. The percentage of attorneys in your local service area that donated services through your project;
 4. The verified value of donated civil legal services in comparison to your expenditures and budget;
 5. The number of hours donated by each attorney compared to number of paid attorney hours;
 6. The number of attorneys in your area who have special expertise needed to provide the services your project offers; and
 7. Other considerations that may affect the availability of pro bono attorneys in your service area.
 - (b) Pro bono as principal means of delivering legal services shall be demonstrated through a description of each of the following factors:
 1. Pro bono recruitment and retention strategy;
 2. Training curriculum;

3. Type and number of volunteer opportunities available;
 4. Service delivery model that requires volunteers;
 5. Supervision and scope of support for volunteers; and
 6. Data demonstrating quantifiable commitment to pro bono as the principal means of delivery, such as percent or number of pro bono cases compared to cases by attorneys on staff, a substantial combined number of total pro bono attorney and non-attorney volunteer hours, or other relevant data points.
- (l) For purposes of determining whether an applicant has demonstrated the recruitment of substantial numbers of pro bono attorneys and pro bono as its principal means of delivering legal services,
- (1) "recruited" means either a newly recruited attorney or returning pro bono attorney who is continuing to engage in providing pro bono services;
 - (2) attorneys can be considered pro bono attorneys even though they work for government agencies, corporations, or in non-legal occupations so long as they are not employees of the applicant;
 - (3) attorneys can be considered to serve without compensation even when they are reimbursed for out-of-pocket expenses, whether by the client, the applicant, or other sources;
 - (4) non-attorney volunteers may include paralegals, interpreters, legal assistants, social workers, undergraduate students, law students, intake volunteers, and other volunteers so long as their work is supervised by an attorney and the work of the volunteer contributes to the delivery of free legal services to the indigent;
 - (5) law student hours count toward volunteer non-attorney hours regardless of whether law students receive academic credit, a stipend, or compensation, so long as they are not being paid an equivalent amount and doing equivalent work as a paid employee; and
 - (6) legal fellows are law graduates or licensed attorneys who have temporary and/or timebound employment and are typically compensated by a third party; legal fellow hours count toward staff attorney hours unless legal fellows are current law students and/or participating in the Legal Services Trust Fund Commission Legal Aid Leaders Fellowship grant program.

Rule 3.680 adopted effective March 6, 2009; amended effective January 25, 2019; amended effective July 1, 2023; amended effective November 16, 2023; amended effective July 18, 2024.

Rule 3.681 Duties of Trust Fund Program grant recipient

The recipient of a Trust Fund Program grant must

- (A) use the grant in accordance with the terms of the grant agreement and Trust Fund Requirements;
- (B) maintain complete financial records, including budgets, to account for the receipt and expenditure of all grant funds and all income earned by a grant recipient from grant-supported activities, such as income from fees for services (including attorney fee awards and reimbursed costs), training, sales and rentals of real or personal property, and interest earned on grant amounts;
- (C) maintain records for five years after completion of services to a client regarding the eligibility of the client and promptly provide such records to the Commission for inspection upon demand;
- (D) annually submit information that describes, in the manner required by the Commission, the grant recipient's maintenance of quality service and professional standards and compliance with program requirements and, as requested by the Commission,
 - (1) information for evaluative purposes about program activities in the prior grant year; and
 - (2) information to enhance the delivery system of legal services;
- (E) cooperate regarding any reasonable site visit;
- (F) submit timely quarterly financial reports and any other information reasonably required by the Commission; and
- (G) pay any noncompliance fees set forth in the Schedule of Charges and Deadlines for processing documents that are substantially noncompliant with Trust Fund Requirements or that are late without permission.

Rule 3.681 adopted effective March 6, 2009.

Rule 3.682 No abrogation of legal or professional responsibilities

Nothing in these rules may limit or impair in any way the professional responsibility of an attorney to provide a client with legal services appropriate to the client's needs. Trust Fund Program applicants and recipients and their staffs; volunteers; consultants; and clients and prospective clients are entitled to all rights and privileges under the law. Nothing in these rules may be interpreted to require a grant applicant or recipient to violate the law.¹¹

¹¹ Business & Professions Code § 6217(d).

Rule 3.682 adopted effective March 6, 2009.

Rule 3.683 Determination of IOLTA Distribution Amounts

- (A) The Legal Services Trust Fund Commission will annually recommend to the Board of Trustees the amount of IOLTA funds to be distributed and the amount to be held in reserve the next year.¹² The Commission will set the current year's projected IOLTA revenue total as the target distribution amount after deducting State Bar administrative costs and any amount set aside for the reserve. Instead of setting aside an amount for reserve, the Commission may increase the distribution with contributions from the reserve.
- (B) The reserve will be established as a restricted fund account that may be accessed to increase planned IOLTA grant distributions or to ensure sufficient funds for the State Bar to fulfill current-year IOLTA grant disbursements.
 - (1) A minimum of 5 percent of current year revenue should be added to the reserve each year, subject to the maximum reserve balance set forth below, unless revenue is projected to fall, in which case the Commission may direct a smaller percentage of revenue, or none, to the reserve for the following year.
 - (a) The Commission may increase the amount of revenue directed to the reserve, unless it would exceed the maximum allowable balance.
 - (2) The maximum reserve balance will be set at \$25 million.
 - (a) The Commission may periodically choose to increase the maximum allowable reserve balance to account for inflation, as reflected by the overall percentage increase in the Bureau of Labor Statistics' Consumer Price Index.
 - (b) If the reserve has reached the maximum allowable balance, all revenue remaining after administrative costs will be distributed as grants. However, if the Commission determines that the grant distribution will be at least double the distribution of the prior year, and the size of the distribution cannot be effectively or efficiently used by grant recipients within the grant period, the Commission may increase the reserve by an amount not to exceed a total of \$40 million.
- (C) The Commission will determine whether to access funds held in reserve as part of the planned IOLTA grant distribution. Factors for consideration include, but are not limited to,
 - (1) Catastrophic events or other emergency circumstances resulting in significantly decreased IOLTA revenue and/or legal aid funding generally;
 - (2) Catastrophic events or other emergency circumstances resulting in significantly

¹² Business & Professions Code § 6210.5(e).

increased need for legal aid services; or

- (3) IOLTA revenue decreases of more than 15 percent.
- (D) If IOLTA revenue yields insufficient funds for the State Bar to disburse quarterly IOLTA grant payments, the Commission will authorize use of the reserve to fulfill existing grant obligations.
- (E) IOLTA funds shall be distributed on an annual basis. However, the Commission may authorize yearly IOLTA grant distributions to be spent over a period of multiple years.

Rule 3.683 adopted effective November 16, 2023.

Article 4. Requests for review and complaint process

Rule 3.690 Receipt of document

For purposes of this article, receipt of a document transmitted by staff or the Commission is deemed to be the earlier of either five days after the date of mailing when sent by mail or the actual time of receipt when staff or the Commission delivers a document physically by courier or otherwise. Staff or the Commission may transmit a document electronically with the recipient's consent. When transmitted electronically, receipt of a document is deemed to be two days after the time indicated on the sender's electronic time stamp.

Rule 3.690 adopted effective March 6, 2009; amended effective July 1, 2023.

Rule 3.691 Denial or termination of funding

- (A) The Commission has the authority to deny an application for initial funding or for renewal of funding, or to terminate existing funding in accordance with law and these rules.¹³ The applicant or grant recipient is entitled to written notice of the denial or termination.
- (B) The applicant or grant recipient may request reconsideration by the Commission.
 - (1) The request must be provided to the Commission in writing within 30 days of receipt of the notice of denial or termination of funding. The request may include additional information.
 - (2) The Commission may affirm its decision, modify its decision, or schedule an informal conference to be held within 90 days of receipt of the request. The applicant or recipient is entitled to written notice of the date, time and place of the conference, and must have an opportunity to present information at the conference.

¹³ Business & Professions Code § 6224.

- (3) Unless all parties agree otherwise, the Commission must mail or otherwise deliver a written decision within 60 days of the conference.
- (C) Within 30 days of receipt of written notice of the Commission decision on the request for reconsideration, the applicant or grant recipient may file a request for review by the State Bar Court. The request must be submitted to the State Bar Court in accordance with the Rules of Procedure of the State Bar on Legal Services Trust Fund Proceedings. Pending a final decision by the State Bar Court, a current grant recipient must continue to receive funding.
- (D) The decision of the Commission on the request for reconsideration is final if the applicant or grant recipient fails to file a timely request for review by the State Bar Court.

Rule 3.691 adopted effective March 6, 2009.

Rule 3.692 Complaints

- (A) Any person or entity may file a formal written complaint that a grant recipient fails to meet Trust Fund Requirements. The complaint may be submitted by US Mail or by electronic mail to the address for receipt of such complaints posted on the State Bar's website. At the request of the complainant, the complainant's identity shall be kept confidential.
- (B) Staff must provide a copy of a formal written complaint to the grant recipient whom it concerns within ten days. Staff must attempt to resolve the complaint within 90 days of receipt of the complaint. If the complainant or grant recipient objects to staff's proposed resolution, staff must provide the complainant, grant recipient, and an advisory body comprised of two members of the Commission, with a written report of its efforts to resolve the complaint and recommendation of what action, if any, is appropriate. Staff's written report must be submitted within 90 days of staff's receipt of the complaint. The co-chairs of the Commission will designate the members of the advisory body.
- (C) Within 30 days of receipt of the staff report, the complainant and grant recipient may each provide the advisory body with a written response. Upon a complainant's request, staff may assist in preparing a written response based on the complainant's oral statements to staff.
- (D) The advisory body appointed by the co-chairs of the Commission must consider the staff report and any response. The advisory body may then recommend dismissal of the complaint based on the information provided or schedule an informal conference to determine whether the complaint should be dismissed or whether action should be taken. The recommendation to dismiss the complaint should issue, or the informal

conference should take place, within 60 days of submission of the staff report. The complainant and grant recipient shall be given written notice of a recommendation to dismiss, or the date, time, and place of the informal conference.

- (E) At the informal conference, the staff member who conducted the investigation must be present barring extenuating circumstances. The complainant and grant recipient must have an opportunity to present information. The advisory body must issue a written recommendation that the Executive Committee dismiss the complaint or require corrective action. In addition, the advisory body may recommend that the Commission terminate or consider terminating, in whole or in part, existing funding or renewal of funding pursuant to Rule 3.691. The advisory body may also offer recommendations for general improvements to the complaint process as part of its report. The complainant and recipient shall be given written notice of the recommendation within 30 days of the informal conference.
- (F) The recommendation must be reviewed and acted upon by the Executive Committee or Commission at its next scheduled meeting that occurs more than ten days after the issuance of the advisory body's recommendation.
- (G) If the Executive Committee decides to dismiss the complaint or require corrective action, the decision is final. If the Commission considers the complaint under Rule 3.691, the provisions of that rule control.
- (H) Complainant or grant recipient may request reasonable extensions of any of the deadlines set forth in this rule for good cause. Staff, the advisory body, the Executive Committee, and the Commission may grant reasonable extensions of the deadlines set forth in this rule that are applicable to their respective obligations or to proceedings before them upon a finding of good cause.

Rule 3.692 adopted effective March 6, 2009; amended effective July 1, 2023.

TITLE 3, DIVISION 5, CHAPTER 2

LEGAL SERVICES TRUST FUND

*Fees previously adopted by the Board of Trustees or mandated by statute.
Amended effective March 2, 2012; amended effective January 25, 2019; amended effective July 1, 2023.*

<i>Rule</i>	<i>Description</i>	<i>Amount</i>	<i>Deadline</i>
3.680(E)(1)	<p>Threshold amount of gross corporate expenditures, excluding in-kind donated services, requiring submission of an audited financial statement.</p> <p>Deadline for applicant to submit an audited or reviewed financial statement for the fiscal year that concluded during the prior calendar year.</p>	\$500,000	<p>Not applicable</p> <p>Promptly when available, and no later than May 1. Upon written request, an extension up to the application deadline may be granted by the State Bar staff. Upon a showing of extraordinary circumstances, the Commission may grant an extension beyond the application deadline. If no extraordinary circumstances exist, the Commission may grant an extension with conditions. Under no circumstances shall such extension be granted beyond the date upon which grant allocations are determined.</p>