

## Instructions for Completing Application for Legal Services Projects

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

Submit an electronic copy of the application forms in Word and Excel formats to [trustfundprogram@calbar.ca.gov](mailto: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. Arrange the application forms and required documents in the order listed on the Checklist. When you submit your application package, place the Application Checklist on top of all the materials.

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

- A. New Applicant 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*.
  - 2. Street Address:** List the applicant's street address, including city and zip code.  
**Mailing Address:** List the applicant's mailing address, if different from the street address.
  - 3. Telephone Number:** List the applicant's telephone and fax numbers, including area code.
  - 4. Website:** List the URL of applicant's website, if applicable.
  - 5. Branch Offices:** List the addresses of all branch and regional offices. If necessary, attach a separate page(s).

6. **County(ies) Served:** List all counties served and identify the branch or regional office that serves each county.
7. **Staff Director:** Insert the full name and title of the applicant's director or chief executive officer. Also provide the direct telephone number (include extension, if applicable), email address and **original signature** of the staff director or chief executive officer.
8. **Second Contact Person:** Insert the full name, title, direct telephone number (include extension, if applicable), and email address of a second person to contact if any questions arise regarding your application.
9. **Fiscal Contact Person:** Insert the name, title, direct telephone number (and extension, if applicable), and email address of the person to be contacted if any questions arise specific to financial information provided in your application.
10. **Board Chair or Alternate Board Officer:** Insert the full name, business address, email address and complete telephone number of the current board chair (or an alternate board officer if the chair is not available to sign this application). Also provide an **original signature** of the board chair or alternate board officer. In the case of law school programs, provide information for the law school dean.
11. Check this box if any information has changed since the 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, and 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 [B&P Code §6213(a) and the Eligibility Guidelines for Legal Services Projects].
- B. Mark one category under which you qualify for funding [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 received at least \$20,000 of non-Trust Fund monies, as 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.
6. **A project that provides services to a special client group:** An applicant in this category must have received at least \$20,000 of non-Trust Fund monies, as 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 [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 on 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 [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 income may include 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 programs applying under the \$20,000 eligibility criteria [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 programs applying under the \$20,000 eligibility criteria [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 [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 an additional allocation is being requested. 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 compliance with 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 [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 [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* do 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, scheduling and recognition.
  - 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 [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) the percentage of clients who are served by volunteers as compared to those who see only staff; (e) the number of cases referred to the pro bono panel; and (f) other evidence which demonstrates that legal services are provided principally by volunteers.

If the program experienced significant fluctuations in the number of attorneys and/or paralegals who volunteered or the number of hours donated as compared to prior years, please explain.

#### **IV. Certifications for Legal Services Projects. *All applicants must sign this form.***

1. Enclose an endorsed copy of your corporation's Articles of Incorporation. If this document is on file in the Trust Fund Program office, indicate so on the Application Checklist. Also, enclose a copy of your current board roster.
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, indicate so 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).
5. Attach a table or chart that identifies **all** income level criteria used by your organization to determine client eligibility. Applicants that do not utilize income standards for determining client eligibility must develop and adopt criteria if found eligible for funding [B&P Code §6218]. If you only serve individuals who are eligible for free services under the Older Americans Act or the Developmentally Disabled Assistance Act, a statement to that effect will be sufficient.
6. No instructions provided.
7. Attach a copy of your program's audited or reviewed 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 audited or reviewed 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.
  - 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 31 of the calendar year prior to the application deadline.

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

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

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

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

Check number 1, number 2, or both, (as applicable), and answer questions 3 to 6. 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 document.

**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.

- **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. **Conservatorship** refers to Probate, Limited and Lanterman-Petris-Short Act conservatorships.
  2. **Consumer/Finance** refers to Bankruptcy, Debtor Relief, Collections (including Repossession), Garnishment, Contracts, Warranties, Credit Access, Loans, Installment Purchase, Unfair Sales Practice, or other consumer finance matters.
  3. **Domestic Violence** refers to abuse perpetrated against any of the individuals identified at Section 6211 of the Family Code.
  4. **Education** refers to Discipline (including Expulsion and Suspension), Special Education, Learning Disabilities, Access, and other education matters.
  5. **Employment** refers to Job Discrimination, Wage Claims, Earned Income Tax Credit, Employee Rights, and other employment matters.
  6. **Family** refers to Adoption, Custody, Visitation, Divorce, Separation, Annulment, Name Change, Parental Rights Termination, Paternity, Support, and other family matters.
  7. **Guardianship** refers to cases brought by persons other than the child's parent seeking to be appointed guardian of a minor by the probate or other court. Alternatives to guardianships can also be included in this category.
  8. **Health** refers to Medicare, Medicaid, Medi-Cal, and other health matters.
  9. **Housing** refers to Federally-Subsidized Housing Rights, Foreclosure or Title Fraud, Landlord-Tenant (including Foreclosure Evictions), Public Housing, Homelessness, and other housing matters.
  10. **Immigration** refers to Naturalization, Asylum, Adjustment of Status, Citizenship, Family Petition, Special Immigrant Juvenile Status, Trafficking, T-Visa, U-Visa, and other immigration matters.
  11. **Income Maintenance** refers to CalWorks, Food Stamps, Social Security, SSI, Unemployment Compensation, Veterans Benefits, Workers' Compensation, and other income maintenance matters.
  12. **Individual Rights** refers to Disability Rights, Mental Health, Prisoners' Rights, and other individual rights matters.
  13. **Juvenile** refers to Delinquent, Neglected, Abused, Dependent, and other juvenile matters.
  14. **Miscellaneous** includes Incorporation, Corporate Dissolution, Indian and Tribal Law, License (auto and others), Torts, Wills, Estates, and other miscellaneous matters.
- **Closed Case** is a case in which there is a resolution of the client's problem 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, 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, or 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, 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.) that 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 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.

- ◇ **Class Action or Impact Work:** If your program engaged in class action or impact work in the previous calendar year, provide a separate list of these matters and describe the work that was done on each case. The description of each matter should include the following information, but you should not disclose information protected by the attorney-client privilege.
  - Identify the case name or title of the matter.
  - Describe 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.
  - Identify the primary beneficiary or beneficiaries in the case or matter.
  - In the case of a class action, describe the size of the class.
  - Describe your program's work on the case, as well as any specific achievements or accomplishments realized in the past calendar year, such as trial, discovery, decision, etc.
  - Identify the amount of time spent on each matter, broken down by staff positions.
- ◇ **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:
  - Describe the nature of the advocacy.
  - Describe the relationship between the legal issues raised to the needs of indigent persons, and the extent to which indigent persons are impacted by these issues.
  - Identify the amount of time spent on this work.

**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. These services can be provided directly to individuals, or through court-based projects, self-help clinics, community legal education, or 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 the program's staffing during the 2013 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 as of December 31. If your program's staffing levels changed significantly from the previous year, provide a summary of those changes on a separate page. Programs that complete Form III-B must also provide relevant figures in the Volunteer sections 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. Enter the number of full-time employees in each category in the *Full-Time Staff* column.

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

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

**Volunteer** refers to individuals who donated legal services to the program. 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 Program Director would be listed on the chart. The person or people who supervise the Program Director (e.g., the board or one of its committees) would be listed above that position. Staff supervised by the Program Director would be listed below that position. The chart should include all attorney positions, management positions, paralegal positions and support personnel. Identify the titles of *Other Personnel* positions reflected on line 5 and indicate the full-time equivalent of each position listed.

Provide a current salary schedule for all positions.

**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 3, *Special Events*). **Do not include any cash support received through the Trust Fund Program, including IOLTA, Equal Access Fund, or Partnership 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 [Rule 3.671] 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 report 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 the predecessor project on this form, as long as your audited or reviewed financial statement strictly segregates the expenditures for that project.

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

**4-26.** 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 [B&P Code §6450 et seq.].
  6. **Other Staff:** This category should include salaries and wages paid to all other program staff, whether administrative or clerical staff, students or others, and whether full-time, part-time or temporary.
  7. **Subtotal:** Add 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 equipment). It also includes maintenance costs for that equipment whether pursuant to a service contract or individual repair bills.
12. **Office Supplies and Small Equipment:** This category includes expenses for all basic office accessories and supplies, including materials used in copiers and printers. Equipment purchases under \$1,000 may also be reported on this line item.
13. **Printing and Postage:** This category includes expenses for outside printing, postage, other mailing and delivery services.
14. **Telecommunications:** This category includes expenses for regular telephone service, cell phone service, and Internet access. Similar and related telecommunications expenses should be included as well.
15. **Program Travel:** This category includes travel expenses directly related to specific client matters, community outreach/trainings or for program administration.
16. **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.
17. **Library:** This category includes expenses for the maintenance and normal expansion of office libraries, including subscriptions to periodicals, online research services, reference materials, etc. Depreciation on capital additions to library holdings over \$1,000 should be included under *Depreciation*.
18. **Insurance:** This category includes professional liability insurance, bonding, property insurance (fire and theft) and liability insurance for property and automobiles.
19. **Audit:** This category includes expenses related to the independent fiscal review or audit of applicant's financial statements.
20. **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.
21. **Depreciation:** This category includes depreciation expense on owned real property, furniture, equipment and library purchases over \$1,000 per item.
- 21a. **Capital Additions:** Indicate the total cost of capital additions during the preceding calendar year. List individual items and associated costs on a separate page.

22. **Contract Service to Clients:** This category includes all payments to private attorneys or others who provide legal services to clients. List individual contract amounts on the Itemized Expenses form.
23. **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. List individual contract amounts on the Itemized Expenses form.
24. **Other:** This category includes all program expenses not included above. Itemize individual costs on a separate page.
25. **Total Non-Personnel:** Add lines 10 through 24.
26. **Total:** Add lines 9 and 25. 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 the relevant section on Form XI-A to explain how you arrived at the figure.

1. Enter the amount from line 26 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 in the previous calendar year on other those other activities.
3. If you leased space to tenants or subtenants, all related expenses, such as the actual share of mortgage or lease payments, utilities and maintenance, must be subtracted as non-qualified expenditures. Enter the corporation's cost of leased or subleased space on this line, and provide details on Form XI-A.
4. If you incurred expenses related to property management activities, enter the relevant amount on this line, and provide details on Form XI-A.
5. If you provided legal services in criminal matters, enter the amount of your expenditures for such services, and provide details on Form XI-A.
- 6a. 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, and provide details on Form XI-A.

- 6b.** 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, and provide details on Form XI-A.
- 7.** If you provided free civil legal services to persons who were not indigent as defined in Business and Professions Code §6213(d), enter the amount of your expenditures for such services on this line, and provide details on Form XI-A.
- 8.** If your corporation provided any services outside California, enter the amount of your expenditures for such services, and provide details on Form XI-A.
- 9.** *Automatic calculation. Add lines 2 through 8.*
- 10.** *Automatic calculation. Subtract line 9 from line 1.* This is your total expenditure for free civil legal services to indigent persons.
- 11.** *Automatic calculation. Divide line 10 by line 1* to calculate the percentage of your total corporate expenditures incurred providing free civil legal services to indigent persons.
- 12.** 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. 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.
- If you paid any money to another legal services program that is applying for an allocation from the Trust Fund Program, enter the amount paid from (a) Trust Fund Program revenue, and/or (b) sources other than the Trust Fund Program. Itemize the amount(s) paid on Form XI-A, number 2.
- 13.** If you are a program that paid non-Trust Fund Program money to another legal services program and the recipient has agreed to allow you to count the funds, enter the amount on this line. Itemize the amount on Form XI-A, number 3.
- 14.** If you received any money from another legal services program that is applying for an allocation from the Trust Fund Program, and has allowed your program to count the expenditures, indicate the amount(s) received on this line. Itemize the receipts on Form XI-A, number 4.
- 15.** If you are a legal services program that received funds from another legal services program but agreed to give credit for the funds to the program contributing those funds, enter the amount on this line. Itemize the amount on Form XI-A, number 5.
- 16.** *Automatic calculation. Add lines 12 and 15.*
- 17.** *Automatic calculation. Subtract line 16 from line 10.* This number will be automatically entered on Form XI-B, line 1. Prepare Form XI-B if you serve two or more counties.
- 18.** Enter the amount of your previous calendar year IOLTA and Equal Access Fund grant expenditures. Do not include Partnership Grant expenses. Amounts entered on line 18

must agree with expenditures previously reported to the Trust Fund Program. Trust Fund grant expenses will not be counted when calculating allocations for the next grant period.

- 19. Automatic calculation. Subtract line 18 from line 17. This figure will be used to calculate your grant allocation.**

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

Complete this form if:

- you answered *yes* to questions 2, 3, 4, 5, 6a, 6b, 7, 8, 12, 13, 14 and/or 15 on Form XI; and/or
- more than 10 percent 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. Itemize the amounts entered on lines 2, 3, 4, 5, 6a, 6b, 7 or 8 on Form XI. Your answers to all questions should clearly demonstrate that the amounts entered on Form XI represent the total cost of the non-qualifying services and activities, including not only salaries and direct expenses but all related indirect and overhead costs.

For example, if you answered *yes* to question 2 because your program engaged in activities other than the delivery of legal services, your narrative would identify the non-qualifying activities and explain the basis of your computation of expenditures for that work.

If you answered *yes* to questions 3 and 4 because you leased space, itemize all expenses incurred to manage your leased/subleased property(ies). Provide sufficient information to clearly demonstrate that the figures entered on Form XI represent the total cost of the non-qualifying activities, including salaries and direct expenses related to the actual cost of maintaining the owned or leased property, as well as the relevant share of mortgage or lease expenses and all related indirect and overhead costs.

2. If you answered *yes* to question 12 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 total amount paid to each program. **Attach copies of all signed agreements.**
3. If you answered *yes* to question 13 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 total amount paid to each program. **Attach copies of all signed agreements.**
4. If you answered *yes* to question 14 because you received money from another applicant that is applying for a Trust Fund Program grant, and that has allowed your program to count the money, list the name(s) of the legal services program(s) and the total amount received from each program. **Attach copies of all signed agreements.**

5. If you answered *yes* to question 15 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 total amount received from each program. **Attach copies of all signed agreements.**
6. If more than ten percent of your services were for the benefit of clients other than *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 7 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 identify the total expenditures for such services in each county and explain the basis for your county-by-county allocation of expenses.

1. Enter your organization's total expenditures for free legal services in civil matters to indigent persons in California. Use the figure from line 17 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.