



THE STATE BAR OF CALIFORNIA

LEGAL SERVICES TRUST FUND PROGRAM

180 Howard Street, San Francisco, California 94105-1617

Telephone: 415-538-2252; Fax: 415-538-2529

Stephanie L. Choy
Managing Director
415-538-2249

Lorna Choy
Sr. Grants Administrator
415-538-2535

Denise Teraoka
Grants Administrator
415-538-2545

Daniel Passamaneck
Grants Administrator
415-538-2403

Robert G. Lee
Sr. Accountant
415-538-2009

TO: Executive Directors

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

DATE: August 10, 2012

SUBJECT: REQUEST FOR PROPOSAL:
2013 EQUAL ACCESS FUND PARTNERSHIP GRANTS

We are pleased to issue this Request for Proposal (RFP) for calendar year 2013 Partnership Grants. This RFP is for both new applicants and current recipients of Partnership Grants applying for refunding.

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

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

Hard copies must be received by the Trust Fund Program no later than Friday, September 21, 2012. Additionally, please email your proposal to trustfundprogram@calbar.ca.gov.

The RFP package includes **three** sections:

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

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

Lorna Choy	415-538-2535
Denise Teraoka	415-538-2545
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**THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND - PARTNERSHIP GRANTS**

REQUEST FOR PROPOSAL for 2013 GRANTS

FOR ALL APPLICANTS

Background Information, Process and Criteria

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BACKGROUND INFORMATION

The State Budget Act allocates funds to the Equal Access Fund “to improve equal access and the fair administration of justice.” The Fund is given to the Judicial Council to be distributed through the State Bar’s Legal Services Trust Fund Program. Ten percent of the funds available for distribution will support Partnership Grants to legal services programs “for joint projects of courts and legal services programs to make legal assistance available to pro per litigants.” *This amount will be finalized after the Judicial Council takes action regarding the Equal Access Fund appropriation.*

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

TIMING AND GRANT PERIOD

Partnership Grant proposals must be received in the Trust Fund office **by Friday, September 21, 2012**. We expect the approval process to be concluded in December. Grants will be awarded for a one-year period commencing January 1, 2013.

GRANT SIZE

Historically, grants have been awarded in the range of \$30,000 to \$80,000. Programs will be required to provide a revised budget if their grant award varies from the amount originally requested.

SEED MONEY/FUTURE FUNDING

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

ELIGIBILITY REQUIREMENTS FOR PARTNERSHIP GRANTS

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

1. **Qualified Legal Services Projects.** Applicants must be eligible for 2012-13 Legal Services Trust Fund Program grants.
2. **Joint Court/Legal Services Program Projects.** Proposals must be for joint projects of courts and legal services programs, preferably at or near the courthouse.
3. **Indigent.** Recipients of services funded by the grant must be indigent, as defined under Business and Professions Code §6213(d).
4. **Self-Represented Civil Litigants in State Court.** Use of these funds is restricted to providing assistance to individuals who are pursuing matters in state court without the assistance of counsel. Funds cannot be used to make court appearances on behalf of litigants.

SELECTION CRITERIA FOR PARTNERSHIP GRANTS

The Commission will consider the extent to which project planners have thoroughly addressed all the issues identified in this RFP, and will select a range of high-caliber projects around the state that serve different client constituencies with a variety of legal problems.

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

1. **Impact of Services.** The Commission will consider the extent to which the project will address the needs of the targeted population resulting in meaningful and timely outcomes.
2. **Collaboration with Cooperating Court.** This must be a joint project with the court. The Commission will consider the extent to which the applicant and cooperating court plan to collaborate regarding access for self-represented litigants.

3. **Integration with Court-based Services.** The Commission will consider the extent to which the applicant's services or planned services are integrated with other court-based services, including the Family Law Facilitator, self-help centers and other offices of the cooperating court.
4. **Court's Impartiality.** The Commission will evaluate all proposals to determine their ability to protect the court's independence and impartiality. If the project intends to serve only one side of a matter/case (e.g., only tenants, or only petitioners), the applicant must demonstrate that it has sufficiently explored all the implications of this decision with the court, and identified alternate legal resources that can provide equivalent levels of assistance to the opposing parties.
5. **Conflict of Interest.** If a project establishes an attorney-client relationship with the litigants, the Commission will evaluate the availability of meaningful referrals for individuals who are not eligible to use the services because they present a conflict of interest for the project.
6. **Information and Referrals.** The Commission will consider the method(s) by which the project will provide information and referrals to litigants who are not eligible to use the services for any reason.
7. **Additional Support.** In anticipation of the eventual reduction or elimination of a Partnership Grant, the Commission will consider the applicant's diligence in pursuing other support for the continuation of the project. It will take into account your efforts to pursue other sources of funding and support, as well as funds or support actually contributed, such as commitments of the program's general operating revenue, recruitment of pro bono volunteers, and in-kind support.
8. **Evaluation.** All applicants must incorporate evaluation into their Partnership proposal (refer to No. 16 of the instructions). Applicants seeking refunding will be assessed on their utilization of evaluation results.

EQUAL ACCESS FUND - PARTNERSHIP GRANTS

2013 REQUEST FOR PROPOSAL

FOR ALL APPLICANTS

INSTRUCTIONS

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Proposals will consist of the following components:

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

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

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

Proposals must be received in the Trust Fund office **by Friday, September 21, 2012**. Also email your entire proposal in Word and Excel formats to trustfundprogram@calbar.ca.gov.

FORM A. PROJECT ABSTRACT

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

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

FORM B. PROJECT NARRATIVE

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

The Project Narrative can be up to ten pages in length, and will be automatically numbered. The 10-page limit does not include the project abstract, project budget, budget narrative, assurances, letter of support from the court, or the memorandum of understanding.

1. Program's Qualifications

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

2. Needs Assessment

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

3. Goals and Objectives

Describe the project's goals and objectives. Include quantitative goals, including the number of clinics to be held and the number of litigants to be served. Highlight the outcomes to be achieved for users of the project. Discuss the involvement of the court and other collaborative partners in setting and achieving the goals and objectives.

4. Types of Services to be Provided

Provide a detailed description of the subject area(s) to be covered and the types of services to be provided. Describe the specific kinds of legal problems you expect to address and how services will be delivered to pro per litigants.

5. Evolution of the Project

If you are applying for refunding, explain whether goals and objectives have changed over the life of the project or are expected to change in the upcoming funding cycle. Identify and explain any changes made to the project since it became operational, paying particular attention to differences in current-year

operations from those stated in your previously-approved proposal. Describe any further changes you intend to make as the result of actual experience and/or evaluation outcomes.

6. Resources Available

- a. List the existing resources available to pro per litigants, including written materials, audio-visual and/or technology resources.
- b. Identify any new resource materials to be developed. Who will be responsible for preparing the written materials or other resources? Will resources be available in multiple languages?

7. Litigant Eligibility and Subject Matter Screening

Explain how the project will verify income eligibility for each litigant. How will you ensure the Partnership Grant and other Trust Fund monies are only used to serve indigent litigants? Also describe the methods you will use to screen for subject matter eligibility.

8. Site and Accessibility

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

9. Staffing, Training and Supervision

Identify the staffing for the project. If you expect to use volunteers, indicate the number involved and whether they will be attorneys, paralegals, law students, etc. Describe the work that volunteers will undertake. How will staff and volunteers be trained? Who will be responsible for supervision? If on-site supervision is not possible for project staff, describe the steps taken to ensure the highest levels of quality control.

10. Technology and Equipment

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

11. Collaborative Planning with the Court

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

Applicants must specifically address the following issues with the court:

- a. **Assurance of the Court's Impartiality and Independence** – If the project proposes to provide services for only one party or side of a matter, the court must indicate its agreement and understanding of the implications of this decision in its letter of support. Describe the discussions that have occurred to arrive at that decision and provide specific details regarding the court's understanding.
- b. **Ongoing Coordination** – You must arrange for ongoing meetings with court personnel, no less often than quarterly, to discuss collaboration issues as they arise. You should develop formal agendas for these meetings. Services must be coordinated with all self-help providers in the participating court system, including the Family Law Facilitator and the Family Law Information Center, whether or not they provide assistance to the same litigants the project serves.
- c. **Clear Distinction Between Parts of Delivery System** – You must identify existing services that the court makes available for self-represented litigants, and clarify how services provided through the Partnership Grant project are different. How will users of the services distinguish between the court's neutral role and your Partnership Grant project?
- d. **Services Provided, Information and Referrals** – You must articulate a clear agreement about the types of legal issues covered by this project, resources available, and level of service provided to consumers, as well as clear protocols regarding information and referrals available for persons ineligible for services.
- e. **Logistics** – There must be plans for:
 - **Location/Hours** – ensuring the project's location and hours of operation for the provision of services are clearly specified. Identify the project's hours of operation.
 - **Security** – providing adequate security for staff, volunteers, and users of the project. Who will provide that security?
 - **Shared Space** – addressing all issues that may arise if more than one project is sharing space at the court.

- **Equipment/Supplies** – providing equipment and supplies. If equipment is to be shared with other offices, describe the limitations to be placed on their use and what, if any, reimbursement will be required.
- f. **Project Continuity** – Describe plans for discussion between the legal services program and the court regarding the ongoing nature of the proposed project and how the project can be continued beyond the grant year.
- g. **Evaluation** – You must describe plans for ongoing integral evaluation that gathers, organizes and incorporates input from both the legal services program and the court during and after the grant year to ascertain ways to improve the services.

12. Collaborative Partners

Provide information about others who will collaborate on the project, as well as all in-kind support for the project. Include information about current and planned collaboration with other local legal services programs, the Family Law Facilitator, Family Law Information Center, other self-help projects in the court and community, the Clerk of the Court, and other offices of the cooperating court.

Describe the substance and effectiveness of any existing collaboration and any modifications that are envisioned. Explain steps that are being taken to help litigants avoid confusion about the different services available, and to minimize duplication of effort. If a subgrant of any Partnership Grant funds is envisioned, provide details for that arrangement, including plans for oversight and evaluation of the services provided by the subgrantee.

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

Do you plan to establish an attorney-client relationship?

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

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

- c. If the project does not expect to establish attorney-client relationships, explain how litigants will be made aware of the scope of services to be provided. How will you ensure that customers understand an attorney-client relationship will not be established?

14. Referral Protocols

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

- a. How will you make *meaningful referrals* in situations where the project will serve only one side, or where a conflict arises? (A "meaningful referral" is one that directs the recipient of the referral to a source of information or advice that will actually assist the recipient.)
 - 1) Describe the commitments made by the entities to which litigants will be referred. What arrangements have been made to expedite the referral process and to guarantee effective referrals?
 - 2) Describe the procedures and protocols used to ensure referred pro per litigants are being assisted in a *meaningful* manner by said entities.
 - 3) Describe how you will otherwise address the needs of unrepresented litigants. For example, will general information in the form of fact sheets, videos or other materials be available to those who are referred elsewhere?
- b. For litigants who are ineligible for services due to income, subject matter or residency, what arrangements will be made to provide them referrals or otherwise address their needs? Will general information in the form of fact sheets, videos or other materials be available to these individuals?

15. Timetable

For new projects, describe the proposed timetable for implementation of the project in 2013, including plans for each quarter of the grant year. For ongoing projects, describe the continuing work plan for 2013.

16. Evaluation

The annual submission of evaluation reports is a condition of funding. All grant recipients will be required to submit an Evaluation Plan in March 2013 and a Final Evaluation Report after the close of the grant year.

In addition, projects receiving Partnership Grant funding for the first time must submit an Interim Status Report in July 2013.

The Evaluation Plan and Interim Status Report provide grantees with information needed to assess project performance compared to stated goals, and to design and implement changes as appropriate. Both the discussion of methodology and the dissemination of findings are important for the effective and efficient use of Partnership Grants.

At the close of the grant year, all grantees will be required to provide data on the services provided and to assess the quality and effectiveness of the project as a whole. The project must also provide a report of funding and expenditures.

Grantees are asked to assess the quality and effectiveness of their services using a combination of evaluation methodologies that may include focus groups, customer surveys, interviews with court personnel, file review, and courtroom observations. Materials providing guidance in undertaking such assessments are posted at the California Legal Advocates web site. (Go to CALegalAdvocates.org, select the *Library* tab. Scroll down to Legal Services Trust Fund Evaluation Resources, and then click on the *Evaluation Toolkit* link.)

17. Project Continuity

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

For projects that have been funded for three years or more, explain the need for continued Partnership Grant funding. Indicate how much of the program's own general operating revenues will be committed to the project for 2013 operations. Also, list all funding sources that you approached, the amounts requested and the amounts actually raised for 2012 operations. Specifically identify any funds that have been obtained by leveraging your Partnership Grant. If other funding or support was not obtained, explain the reasons why you were not able to garner this support.

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

FORM C. ASSURANCES FOR PARTNERSHIP GRANTS

Provide appropriate signatures for the Assurances.

FORM D. PROJECT BUDGET

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

Also, use Form D to describe Partnership Grant project's proposed staffing. List the individual FTE for each attorney, paralegal and other staff assigned to the project by funding source (Partnership Grant, Other Trust Fund monies, non-Trust Fund monies). Also estimate the hours that you anticipate will be provided by volunteers. If necessary, use a separate page to list additional positions and FTEs.

FORM E. BUDGET NARRATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Contract Service to Clients. Payments to private attorneys, consultants or organizations to provide professional services to litigants through the proposed project.

Itemize individual contracts, specifying contractors, the general nature of duties to be performed, the rate of compensation and the contract amount.

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

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

FORM F. INDICATION OF SUPPORT FROM COOPERATING COURT

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

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

- ❖ Programs with existing projects must include a copy of their currently-effective Memorandum of Understanding, together with a description of any changes that are proposed for the coming grant year and the reasons for such changes. Revised MOUs may be submitted subsequent to the Judicial Council’s approval of a Partnership Grant, but should be submitted **no later than January 11, 2013.**
- ❖ For programs applying for new project funding, the Memorandum of Understanding must be submitted **no later than January 11, 2013.**