

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
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**Report**

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts  
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DATE: August 10, 2005

SUBJECT: Equal Access Fund: Distribution of Funds for IOLTA-Formula  
Grants (Action Required)

Issue Statement

The State Bar Legal Services Trust Fund Commission (commission) has submitted a report on the distribution of Equal Access Fund grants. In that report, the commission requests that the Judicial Council approve the distribution of \$8.55 million according to the statutory formula set out in the State Budget since it has complied with the guidelines set forth for the distribution of those funds. For the last seven years, the Budget Act authorizing the Equal Access Fund has provided that the Judicial Council must approve the commission's recommendations if the council determines that the awards comply with statutory and other relevant guidelines.

Recommendation

Staff of the Administrative Office of the Courts recommends that the Judicial Council follow the June 27, 2005, recommendation of the State Bar Legal Services Trust Fund Commission and approve the distribution of \$8.5 million in IOLTA\* - Formula Grants for 2005-2006 according to the terms of the State Budget, and the commission's determination for each individual grant that the proposed budget complies with the statutory and other guidelines.

The commission's report on distribution of the grant funds is attached at pages 4 – 20.

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\* IOLTA stands for Interest on Lawyers' Trust Accounts

### Rationale for Recommendation

For the last six years, the state Budget Act has contained a provision for the allotment of \$10 million to an Equal Access Fund “to improve equal access and the fair administration of justice.” (Stats. 2005, ch. 38, pp. 9–11; Stats. 2004, ch. 208, pp.16–17; Stats. 2003, ch. 157, pp. 11–12; Stats. 2002, ch. 379, pp. 30–31; Stats. 2001, ch. 106, pp. 73–74; Stats. 2000, ch. 52, pp. 78–79; Stats. 1999, ch. 50, pp. 55–56.)

The budget-control language (attached at page 11) requires the Judicial Council to distribute the Equal Access Fund monies to legal services providers through the State Bar Legal Services Trust Fund Commission. The State Bar created the commission to administer the law regulating attorneys’ interest-bearing (IOLTA) trust accounts. (Bus. & Prof. Code, § 6210 et seq.; State Bar Rules Regulating Interest-Bearing Trust Fund Accounts for the Provision of Legal Services to Indigent Persons, rule 4.)

The Budget Act further requires that “[t]he Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. . . . The Judicial Council may establish additional reporting or quality control requirements. . . .” (Stats. 2005, ch. 38, pp. 9–11.) (The statute is attached at page 11.)

Under the Budget Act, the chair of the Judicial Council appoints one-third of the voting members to the commission—five attorney members and two public members, one of whom is a court administrator. The chair also appoints three nonvoting judges to the commission—two trial court judges and one appellate justice. (The membership roster is attached at pages 12–13.)

The Legal Services Trust Fund Commission met on April 15, 2005, and approved a schedule for allocation of IOLTA-Formula Grants to legal services providers according to the formula established under the Business and Professions Code. Since the funds are allocated based on a formula set out in that statute, the commission determined that eligible programs would be mailed application packets indicating the grant amount according to that formula. The commission also approved a grant year of October 1, 2004 through September 30, 2005.

The commission’s report on the allocation of the Equal Access Fund shows that the commission has followed the statutory requirements and the additional criteria proposed in a report to the Judicial Council at its August 1999 meeting.

### Alternative Actions Considered

There are no viable alternatives to distributing the funds according to the recommendations of the Legal Services Trust Fund Commission. The Budget Act

requires the council to approve the distribution if it finds that the statutory and other relevant guidelines are met.

#### Comments From Interested Parties

The recommendations have been approved by the Legal Services Trust Fund Commission as required by law. The statutory scheme does not contemplate public comment.

#### Implementation Requirements and Costs

The IOLTA-Formula Grants require no court implementation. AOC staff will continue to work with trust fund commission staff to oversee administration of the Equal Access Fund. AOC staff support is covered by the provision for administrative costs in the Budget Act appropriation. Although the recommended allocations will have no direct fiscal effect on the courts, the courts will benefit indirectly from the assistance provided to self-represented litigants.

#### Attachments



# THE STATE BAR OF CALIFORNIA

## LEGAL SERVICES TRUST FUND PROGRAM

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August 9, 2005

**TO:** Members of the Judicial Council

**FROM:** Michael Bierman, Chair,  
Legal Services Trust Fund Commission  
Judith C. Garlow, Director,  
Legal Services Trust Fund Program

**SUBJECT:** Distribution of Equal Access Fund Grants

### EXECUTIVE SUMMARY

Since 1999 the Judicial Council budget has included the Equal Access Fund for grants to provide free legal assistance to indigent Californians. These grants are made through the Legal Services Trust Fund Commission of the State Bar (the "commission").

In 1999 you took action to implement this Fund, adopting procedures for the Chief Justice to appoint a third of the members of the Legal Services Trust Fund Commission and approving the award of grants. In each year since you again approved the award of the grants.

The \$8,550,000 per year in "IOLTA-Formula Grants" has already funded a wide range of legal services for low-income Californians; we will complete the sixth grant year at the end of September. These funds are distributed according to a system set forth in the Interest on Lawyer Trust Accounts (IOLTA) statute (Business & Professions Code sections 6210 et seq) and pursuant to procedures already in place for determining eligibility and administering grants. Two categories of legal services providers are eligible for grants: "Qualified Legal Services Projects" and "Qualified Support Centers." Allocation of funds to the eligible organizations is determined by a statutory formula. A system of grant reporting and oversight that includes

written reports and on-site visits are used to monitor compliance with the requirements.

The commission has already determined what legal services providers are eligible for funds and the amount of the grant each will receive. With approval by the council at its August 26, 2005 meeting, and pending the commission's final approval of specific project budgets from grantees, the commission will be able to begin to distribute the grant funds shortly after the commencement of the grant year on October 1.

For the \$950,000 in "Partnership Grants," where the budget control language allows considerable discretion over the distribution of funds, a total of 18 proposals were selected for funding in the sixth and most recent grant year. Commission members and staff are refining the grant criteria and guidelines used last year to prepare a new request for proposals for projects to be funded in calendar year 2006, and will present proposed grantees and allocations to the council in December, 2005.

It is now appropriate for the council to approve the distribution of the IOLTA-Formula Grants for 2005-2006. The commission will be presenting the proposed Partnership Grant awards at a later date.

## **INTRODUCTION**

The Equal Access Fund, initially created by the Budget Act of 1999, was continued in each Budget Act since, including the 2005 Budget Act. The budget has allocated \$9.5 million to the Judicial Council each of these years, to be distributed in grants to legal services providers through the Legal Services Trust Fund Commission of the State Bar (the "commission"). The budget control language has provided for two kinds of grants, and the budget also includes funds for the cost of administration:

- Ninety percent of the grant funds are to be distributed to IOLTA-eligible legal services providers according to a formula set forth in California's Interest on Lawyer Trust Accounts ("IOLTA") statute. Funds available for this category of grants, called "IOLTA-Formula Grants," equal \$8,550,000.
- Ten percent of the grant funds are set aside for Partnership Grants to IOLTA-eligible legal services providers for "joint projects of courts and legal services programs to make legal assistance available to pro per litigants." Funds available for Partnership Grants equal \$950,000.
- Administrative costs, in a total amount up to \$500,000, are shared between the Judicial Council and the Trust Fund Commission.

A copy of the 2005-2006 budget control language is attached at page 11.

The Chief Justice continues to appoint of one-third of the members of the Legal Services Trust Fund Commission, plus three advisors. The new members have each been excellent additions to the commission. All of them participate actively in the commission's work, with each serving or having served on one of the commission's three standing committees. (See pages 12-13 for a roster of commission members as of the date of the council's August 26 meeting.)

## **IOLTA-FORMULA GRANTS**

### **First Six Years' Grants**

Legal services providers have used the IOLTA-Formula grants for a wide range of services and activities that reflect both the legal needs of poor people and the special strengths of the participating programs. A substantial share of the efforts funded by these grants has been aimed at legal needs of children (adoptions, guardianships and children's access to health care, for example) or the elderly (Alzheimer's patients, nursing home evictions, home equity fraud). IOLTA-Formula grants have also supported efforts to address the needs of families, including a range of services to help overcome barriers to self-sufficiency and make welfare-to-work a reality. Others focus on populations that are particularly at risk, such as people with disabilities, the homeless, or victims of human trafficking.

At the request of the commission, providers budget these funds for specific projects, activities, staff and other identified expenses, rather than using the funds for general operating support. As part of the administration of these funds, programs are reporting further on the results from prior grant years and describing their plans to measure and evaluate the success of their efforts.

In March 2005 the Judicial Council submitted an extensive report to the Legislature evaluating the efficiency and effectiveness of the use of these funds. The report concluded "that nonprofit legal aid providers have efficiently and effectively used their grants to provide legal assistance to some of the neediest Californians, but that there remains a tremendous unmet need," based on five key findings:

- The Equal Access fund improves the lives of vulnerable Californians
- Thoughtful and innovative delivery systems have been implemented to stretch Equal Access Fund dollars and maximize services to clients
- The Equal Access Fund strengthens, expands, and is efficiently incorporated into the legal aid delivery system.
- The Equal Access Fund creates strong partnerships between the courts and nonprofit legal aid providers that benefit low-income litigants, the judicial system, and the public at large

- Despite the gains, significantly more funding is necessary to serve California’s unrepresented litigants.

Given these findings, the report recommends that the Equal Access Fund be increased to build on the statewide legal aid network serving low-income people; that additional funding is needed to expand court-based self-help centers; and that ongoing evaluation is needed to continue to improve the delivery of legal assistance to low-income and marginalized Californians. The Administrative Office of the Courts has provided, and continues to provide, education and training to service providers in evaluation theory and technique relevant to this last recommendation, and has analyzed significant quantities of reported data. AOC and State Bar staff continue to cooperate closely to analyze evaluative data and to provide technical assistance to service providers to improve the efficiency and utility of their evaluations.

### Eligibility and Distribution of Grants

The budget control language has, each year of the Equal Access Fund, provided for the funds to be distributed “to qualified legal services projects and support centers as defined in sections 6213 through 6215 of the Business and Professions Code.” Those provisions of the IOLTA statute establish the basic eligibility requirements for these two categories of organizations that are entitled to receive funding:

- “Legal Services Projects,” which have as their primary purpose the provision of legal services in civil matters directly to indigent clients without charge. (Bus. & Prof. Code, §6213(a).)
- “Support Centers,” which provide statewide back-up assistance – training, technical assistance and advocacy support – to the legal services projects. (Bus. & Prof. Code, §6213(b).)

All grantees must be nonprofit corporations, must maintain quality control procedures approved by the commission, and must meet minimum levels of funding and services that are set out in the statute. (Bus. & Prof. Code, §§6214-6215.)

The Budget Act requires 90 percent of the Equal Access Fund to be distributed to qualified organizations in the same way as the IOLTA funds, consistent with sections 6216 through 6223 of the Business and Professions Code, for what we are calling IOLTA-Formula Grants. Business and Professions Code section 6216 establishes the formula by which IOLTA funds are allocated:

- Fifteen percent of the grant money is reserved for Support Centers and is divided among the centers equally.
- Eighty-five percent of the funds are allocated by county based on poverty population, and then divided up within each county among the Legal

Services Projects based on the amount they spend providing services in that county.

The IOLTA statute also addresses the use of funds by recipient organizations. Grants must be used to provide free civil legal services to indigent persons or to qualified Legal Services Projects, and must be spent providing services for the benefit of clients in the counties for which they are allocated. Qualified Legal Services Projects must make extra efforts to increase services to especially disadvantaged and under-served client groups within their service areas. (Bus. & Prof. Code, §§6218, 6220, 6221, 6223.)

### Oversight and Reporting

The requirements regarding eligibility and use of funds are reflected in regulating rules and grant conditions approved by the State Bar Board of Governors and incorporated into a written agreement with each grant recipient. To monitor compliance with the requirements, the commission administers a system of grant reporting and oversight that includes written reports, regular telephone contact, and on-site visits.

Written reports begin with the annual application for funding. The application includes extensive information about the legal service provider's activities and services, accompanied by a yearly financial statement that must be audited or reviewed by an independent certified public accountant. Following the commission's determination of eligibility and allocation of IOLTA-Formula grant amounts, each applicant submits a proposed budget for use of the funds, and a narrative description of the services to be provided and how their efficacy and impact will be measured and maximized. The commission reviews this budget to ensure that it complies with the requirements described above before any funds are actually distributed. Subsequently grant recipients provide written reports of their expenditure of grant funds, services provided, and clients or customers served.

On-site monitoring and evaluation visits are used to monitor compliance with the statutory requirements and grant conditions as well as to evaluate both provider effectiveness and fiscal soundness. Teams of staff and commission members conduct these visits. The frequency of these visits is once every three years.

### Next Steps: Trust Fund Commission and Judicial Council

*Legal Services Trust Fund Commission.* At its meeting on April 15, 2005, the commission reviewed grant applications and determined which legal services providers are eligible for IOLTA and IOLTA-formula grants for the 2005-06 grant year. They also made all the decisions necessary for determining the amount of the Equal Access Fund grant each legal services provider will receive for the 2005-2006 grant year. Each grant recipient is currently preparing a detailed line item budget for their grant amount; these budgets will be reviewed by staff and commission members and amended as needed

between August 17 and September 30, so that they can be finally approved in time for the State Bar to sign a grant agreement with each recipient program. (Attached at pages 14-17 is a form version of the grant agreement used last year; no substantive changes have been proposed for this year's agreement.) We then will issue the first of four quarterly grant checks to recipients in October.

The grant period for these distributions will be October 1, 2005, through September 30, 2006. A list of the grant allocations, along with the allocation of grants from the IOLTA Fund for the 2005-2006 grant year (July 1, 2005, through June 30, 2006, in the case of the IOLTA Fund grants) appears on pages 18 to 20.

In years prior to 2002, this list showed IOLTA grants that were larger than the IOLTA-Formula Equal Access Fund grants; from 2002 to 2004, this pattern was reversed. Now in 2005, IOLTA grants once again exceed EAF grants. This is because IOLTA grant resources rise and fall depending on interest rates and the balances in attorneys' trust accounts. Economic conditions had resulted in a 38% decrease in IOLTA resources for the 2004-2005 grant year as against the 2001-02 IOLTA grant year; a shift in these conditions resulted in an increase in 2005-2006 IOLTA funds of over 43% as against those available in 2004-2005. This results in IOLTA grants that are a total of nearly 29% higher than IOLTA-Formula EAF grants for the coming grant year.

The commission and its staff will be responsible for ongoing administration of these funds. Along with the regular reporting we already require for IOLTA Fund grants, grant recipients account separately for the Equal Access Fund IOLTA-Formula Grants, submitting quarterly expenditure reports as well as year-end program assessments.

We will also continue to work closely with AOC staff, providing regular reports to the Judicial Council reflecting how the grants meet the statutory requirements and other guidelines, as well as information needed to assist the council in budget preparation. Consultants hired by the AOC together with AOC research department staff have also developed mandatory reporting instruments and program-owned evaluative toolkits that were used to collect data for the comprehensive report to the Legislature, and continue to be used as examples to encourage legal services providers to make critical assessments of their work and its impact on the community they serve.

*Judicial Council.* The Budget Act provides that "the Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines." It is now appropriate for the council to approve the distribution of \$8,550,000 in IOLTA-Formula Grants for 2005-2006 to those legal services providers determined by the commission to be in compliance with the statutory and other applicable guidelines. The funds will be released by the council to the state bar in four equal payments, and will be paid out to the eligible legal services programs quarterly over the course of the grant period.

## **PARTNERSHIP GRANTS**

Each year of the Equal Access Fund program, \$950,000 has been set aside for a competitive grants program for projects that work with local courts to help provide legal services for self-represented litigants. Eighteen projects throughout California currently are receiving these "Partnership" grants, in sums from \$14,000 to \$80,000. Only recipients of IOLTA and Equal Access funding are eligible to apply for these grants, which are awarded so as to maximize the impact of this funding across areas of legal need, population types, and geographical regions.

The Partnership Grants process begins with evaluation of proposals by Trust Fund Program staff and a committee of the Legal Services Trust Fund Commission. This evaluation encompasses several criteria, including but not limited to assuring the impartiality of the services, providing meaningful referrals, assurances of program effectiveness and fiscal stability, and whether the proposal seeks refunding or is for a new project. Partnership grants are considered "seed money" to encourage new projects; consequently, grants for ongoing projects are reduced significantly after three years of Partnership funding, and are terminated after five unless extraordinary conditions dictate to the contrary, as defined by written commission protocols. Funding is provided on a calendar year basis.

The Request for Proposals for Partnership Grant projects for calendar year 2006 will be issued in August 2005. The commission, with the advice and participation of AOC staff and the Chief Justice's appointees, will select successful proposals and determine tentative allocations in November, 2005, at which time we will return to the council for approval of these recommendations. The council will then have final responsibility for approving grant awards.

## **SUMMARY OF COUNCIL ACTION REQUIRED**

In conclusion, it will be appropriate for the Judicial Council to approve on August 26 the distribution of \$8,550,000 in IOLTA-Formula Grants awarded by the Legal Services Trust Fund Commission pursuant to the Budget Act of 2005. That will make it possible for us to disburse the first quarter of the funding to eligible organizations during October.

The commission will return to request approval of the distribution of \$950,000 in Partnership Grants after completing the selection process later this year.

**Senate Bill 77, Chapter 38**

*An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.*

Approved by Governor July 11, 2005. Filed with Secretary of State July 11, 2005.

Pages 9-11, Ch. 38, Statutes of 2005:

0250-101-0001—For local assistance, Judicial Branch.....	16,762,000
Schedule:	
(1) 45.10-Support for Operation of Trial Courts .....	6,196,000
(2) 45.55.010-Child Support Commissioner Program (AB 1058).....	45,381,000
(3) 45.55.020-California Collaborative and Drug Court Projects .....	2,924,000
(4) 45.55.030-Federal Child Access and Visitation Grant Program .....	800,000
(5) 45.55.050-Federal Court Improvement Grant Program .....	700,000
(6) 45.55.070-Grants—Other.....	235,000
(7) 45.55.080-Federal Grants—Other.....	775,000
(8) 45.55.090-Equal Access Fund.....	9,500,000
(9) Reimbursements.....	-47,474,000
(10) Amount payable from Federal Trust Fund (Item 0250-101-0890) .....	-2,275,000

Provisions:

1. Notwithstanding any other provision of law, up to \$5,000,000 appropriated in Item 0250-001-0001 may be transferred to Item 0250-101-0001 by the Controller at the request of the Administrative Office of the Courts, to cover any short-term cashflow issues that occur. Any funds transferred shall be repaid from this item to Item 0250-001-0001. The Judicial Council shall notify the Department of Finance and the Joint Legislative Budget Committee when any transfer is made pursuant to this provision, and upon repayment of the transfer.
2. In order to improve equal access and the fair administration of justice, the funds appropriated in Schedule (8) are to be distributed by the Judicial Council through the Legal Services Trust Fund Commission to qualified legal services projects and support centers as defined in Sections 6213 through 6215 of the Business and Professions Code, to be used for legal services in civil matters for indigent persons. The Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. Ten percent of the funds in Schedule (8) shall be for joint projects of courts and legal services programs to make legal assistance available to proper litigants and 90 percent of the funds in Schedule (8) shall be distributed consistent with Sections 6216 through 6223 of the Business and Professions Code. The Judicial Council may establish additional reporting or quality control requirements consistent with Sections 6213 through 6223 of the Business and Professions Code.
3. Reimbursements for the following activities: (a) payment of service of process fees billed to the trial courts as a result of Chapter 1009 of the Statutes of 2002, (b) payment of the court costs payable under Sections 4750 to 4755, and 6005 of the Penal Code, and (c) payment of court costs of extraordinary homicide trials shall be provided from this appropriation and disbursed to individual trial courts on a reimbursement basis.

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*As of 7/08/05*

## GRANT AGREEMENT

### THE STATE BAR OF CALIFORNIA

#### **LEGAL SERVICES TRUST FUND PROGRAM - EQUAL ACCESS FUND**

This Grant Agreement is made as of October 1, 2004, (the "Effective Date") between The State Bar of California ("State Bar"), a California public corporation, and \_\_\_\_\_, a California nonprofit corporation ("Recipient").

#### RECITALS

Pursuant to California Business and Professions Code Section 6210-6228 (the "Act") and the Budget Act of 2004 (Stats. 2004, ch 208, §2, item No. 0250-101-0001, sched.(9), prov. 2, SB 1113, the "Budget Act") and the Rules Regulating Interest-Bearing Trust Fund Accounts for the Provision of Legal Services to Indigent Persons (the "Rules") and The State Bar of California Legal Services Trust Fund Program General Grant Provisions (the "Grant Provisions"), a Legal Services Trust Fund Program ("Program") has been established in the State of California and will administer an Equal Access Fund ("Fund").

Recipient has completed, executed and submitted to State Bar an Application for Funding under the Program and Fund. As part of the Application for Funding, Recipient has completed, executed and submitted to State Bar, Certifications, Assurances, Attachments, and a Proposed Budget (collectively, including the Application for Funding, the "Application Materials").

In reliance upon the representations and agreements made in the Application Materials, State Bar has determined that Recipient is eligible for a grant under the Program and the Fund for the period commencing on October 1, 2004 and ending on September 30, 2005 ("Grant Period").

The Board of Directors, the officers and similarly empowered staff of Recipient have read and understand the Act, Budget Act, Rules, the Grant Provisions and the Application Materials. Recipient has familiarized its staff with the requirements of the Act, Budget Act, Rules, the Grant Provisions and the Application Materials.

#### AGREEMENTS

1. Pursuant to the Program and Fund and in reliance upon the promises and representations made by Recipient, State Bar grants to Recipient \$ \_\_\_\_\_ ("Grant Amount").

2. The Act, Budget Act, Rules, Grant Provisions and Application Materials are incorporated into this Agreement as if set forth in their entirety in this Agreement. Recipient agrees to comply with the Act, Budget Act, Rules, Grant Provisions and Assurances and other agreements made in the Application Materials. Recipient agrees to comply with all lawful statutes, rules, regulations, guidelines, policies, instructions and similar directives pertaining to the Program and the Fund (collectively "Directives") issued by the State of California, the Supreme Court of the State of California or State Bar, including without limitation, any Directive adopted after the Effective Date.

3. State Bar will use its best efforts to pay the Grant Amount in accordance with the Grant Provisions. State Bar, however, will in no circumstances bear any liability to Recipient or to other persons or entities for delays in payments.

4. Notwithstanding the Grant Provisions or any other provision of the entire agreement regarding the payment of grants, Recipient acknowledges that the Grant Amount and all payments thereof shall be made from funds received by the State Bar pursuant to the Budget Act; and are contingent upon the availability and sufficiency of such funds to the State Bar, as determined by the State Bar. Consequently, Recipient shall not be guaranteed any specific dollar amount in grant funds or any grant funds at all, if funds received pursuant to the Budget Act (“State Funding”) are insufficient or unavailable to the State Bar. This Agreement shall terminate automatically if State Funding becomes unavailable. The State Bar shall not assume any liability whatsoever to Recipient for any failure to pay the Grant Amount or any part thereof that results because funds are insufficient or unavailable.

5. Recipient must spend funds received in connection with the Program and Fund in each county served in the amounts set forth in Schedule of Grant Allocations, attached hereto and made a part hereof.

6. Recipient warrants that Recipient’s Application Materials for a grant under the Program and Fund do not contain any misstatement of a material fact or omit any material fact necessary to make the statements contained in the Application Materials not misleading. Recipient will notify State Bar promptly of any change in any material fact affecting Recipient’s eligibility to receive funds under the Program and Fund, including without limitation, any change that affects the accuracy of any statement made in conjunction with Recipient’s application for a grant under the Program and Fund.

7. Recipient will permit State Bar’s agents to inspect at any time any office or other premises maintained by Recipient or used by Recipient in connection with the expenditure of funds received under the Program. Recipient will cooperate with State Bar’s agents during such inspections and will furnish the agents with any information that the agents reasonably request as relevant to determining Recipient’s compliance with this Agreement. State Bar’s right of access to Recipient’s records for purposes of compliance will survive the expiration of the Grant Period. In complying with disclosure requirements of this Agreement and of the Program and Fund, Recipient may withhold any client-identifying information when Recipient reasonably determines that disclosure would violate the Act, the Rules or a rule or canon of professional responsibility.

8. The Act, Budget Act, Rules, Grant Provisions and Directives set forth requirements concerning use of Program funds and payment for subcontracts to provide legal services (“Subcontracted Services”). Recipient acknowledges its obligation to inform all providers of Subcontracted Services with the requirements of the Program and to obtain from all Subcontracted Services providers a written agreement to comply with all requirements of this Agreement as if that provider is the Recipient. Recipient assigns to State Bar all rights that Recipient has or will acquire to inspect the premises and records of providers of Subcontracted Services to ensure compliance with Program, provided that disclosure of client-identifying information by a provider of Subcontracted Services shall be governed by the provisions of paragraph 7 hereof.

9. (a) Recipient shall not represent or in any way suggest that it may obligate or pledge the credit of the State of California or of State Bar.

(b) Recipient agrees to indemnify, defend, and hold harmless State Bar (including its Board of Governors, officers, agents, and employees, as the same may be constituted now and from time to time hereafter) from and against any and all liabilities, losses, damages, expenses or costs, whatsoever (including reasonable attorneys’ fees, costs and expenses), which may arise against or be incurred by State Bar as a result of or in connection with (i) claims by any and all contractors, subcontractors, providers of consulting services, materialmen, laborers, or any other person, firm, or corporation retained by Recipient to furnish or supply work, service, materials, or supplies in connection with the performance

of this Agreement; and (ii) claims by any person, firm, or corporation for injury or damage by Recipient or Recipient's agents in connection with the provision of legal services pursuant to this Agreement. Recipient shall further protect, indemnify and hold harmless the State Bar from and against all liabilities, losses, damages, expenses, or costs, whatsoever (including reasonable attorneys' fees, costs and expenses), arising from or in connection with the State Bar's enforcement of its rights under this paragraph. This indemnity provision shall survive the termination or expiration of this Grant Agreement.

(c) Recipient will use reasonable efforts to have State Bar named as an insured party to any liability insurance policies purchased by or for Recipient, and shall provide the State Bar with these certificates of insurance.

10. This Agreement does not impose on State Bar any obligation to provide Recipient funds in excess of the Grant Amount or beyond the end of the Grant Period.

11. (a) All notices given in connection with this Agreement will be in writing and be made personally or by first-class, certified, registered or express mail addressed to the parties at the addresses stated below:

State Bar:       The State Bar of California  
                    180 Howard Street  
                    San Francisco, California 94105

Attention:       Judith C. Garlow, Director  
                    Legal Services Trust Fund Program

Recipient:

Attention:

Notices given by mail will be deemed to have been given five (5) business days after being deposited in a United States Postal Services mailbox or with an express courier mail service. Changes in address for purposes of giving notice will be effective two weeks after giving notice of the change in address.

(b) This Agreement, together with the Application Materials, Rules, Grant Provisions and Directives, contains and constitutes the entire agreement between State Bar and Recipient regarding the State Bar's grant of Equal Access Fund monies to Recipient and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement shall be binding upon agents and successors of both parties. No alteration of the terms of this Agreement will be valid or effective unless in writing and executed by each party.

(c) This Agreement was made and entered into by the parties in the State of California and shall be construed according to the laws of that state. Any action or suit brought to interpret, construe or enforce the provisions of this Agreement shall be commenced in the Superior Court of the State of California.

(d) Each party has full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. Each party further acknowledges that its Directors, Governors or similarly empowered persons have read this Agreement, understand it and agree to be bound by it.

(e) No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented. No consent or waiver by one party to a breach of this Agreement by the other party, whether expressed or implied, shall constitute a consent to, waiver of, or excuse for any other, different or subsequent breach. No amendment, consent, or waiver on behalf of State Bar shall be binding upon State Bar unless it is executed by the Executive Director of The State Bar of California or his/her designee.

By executing this Agreement below, the parties agree to its terms.

THE STATE BAR OF CALIFORNIA

RECIPIENT

Date: \_\_\_\_\_, 2004

Date: \_\_\_\_\_, 2004

By: \_\_\_\_\_  
Judith C. Garlow, Director  
Legal Services Trust Fund Program

By: \_\_\_\_\_  
Its Program Director

By: \_\_\_\_\_  
Peggy Van Horn  
Chief Financial Officer

By: \_\_\_\_\_  
Its Board Chairperson

LEGAL SERVICES TRUST FUND PROGRAM  
2005-2006 GRANT ALLOCATIONS

Grants Based on the IOLTA Allocation Formula

From IOLTA Fund and Equal Access Fund

PROGRAM NAME	IOLTA GRANT PROPOSED	EAF GRANT
Affordable Housing Advocates	9,156	6,497
Aids Legal Referral Panel	7,182	5,172
Alameda Co Bar Volunteer Legal Services	10,944	7,777
Alameda County Homeless Action Center	10,680	7,543
Alliance For Children's Rights	199,289	142,202
Asian Law Caucus	25,773	18,484
Asian Pacific American Legal Center	178,222	127,202
Asian Pacific Islander Legal Outreach	38,116	27,177
Bay Area Legal Aid	208,729	150,166
Benchmark Institute	78,297	58,387
Bet Tzedek Legal Services	376,421	268,638
CalCOSH Legal Services Support Project	78,297	58,387
Calif. Advocates For Nursing Home Reform	78,297	58,387
Calif. Rural Legal Assistance Foundation	78,297	58,387
California Center For Law And The Deaf	12,779	9,129
California Indian Legal Services	229,950	164,159
California Rural Legal Assistance, Inc.	951,979	679,367
California Women's Law Center	78,297	58,387
Casa Cornelia Law Center	31,665	22,469
Center For Community Advocacy	22,227	15,851
Center For Health Care Rights	59,911	42,760
Center For Human Rights And Const. Law	78,297	58,387
Center For Law In The Public Interest	34,845	24,870
Central California Legal Services	483,896	345,529
Centro Legal De La Raza	18,017	12,804
Child Care Law Center	78,297	58,387
Children's Rights Clinic	18,121	12,937
Coalition Of California Welfare Rights Orgs.	78,297	58,387
Community Legal Services In East Palo Alto	6,773	4,769
Contra Costa Senior Legal Services	12,093	8,742
Disability Rights Education and Defense Fund	78,297	58,387

East Bay Community Law Center	52,131	36,818
Elder Law & Advocacy	52,269	37,116
Family Violence Law Center	39,405	27,830
Greater Bakersfield Legal Assistance	176,109	125,724
HALSA	45,096	32,186
Harriett Buhai Center For Family Law	138,998	99,183
Homebase/The Center For Common Concerns	50,468	35,980
Immigrant Legal Resource Center	78,297	58,387
Inland Counties Legal Services	530,690	379,006
Inland Empire Latino Lawyers Legal Aid	49,993	35,681
Inner City Law Center	65,656	46,860
La Raza Centro Legal	22,660	16,581
Law Center For Families	14,317	10,112
Law Foundation Of Silicon Valley	67,976	49,069
Lawyers' Committee For Civil Rights	61,749	44,247
Legal Aid Foundation Of Los Angeles	780,324	556,936
Legal Aid Foundation Of Santa Barbara	41,400	29,550
Legal Aid Of Marin	23,765	17,651
Legal Aid Of Sonoma County	28,217	20,135
Legal Aid Society Of Orange County	484,514	345,957
Legal Aid Society Of San Bernardino	122,428	87,387
Legal Aid Society Of San Diego	317,252	225,120
Legal Aid Society Of San Mateo County	45,544	32,063
Legal Aid Society-Employment Law Center	157,398	112,532
Legal Assistance For Seniors	41,943	29,622
Legal Assistance To The Elderly	8,240	5,955
Legal Center For Elderly And Disabled	23,704	16,926
Legal Services For Children	35,711	25,662
Legal Services For Seniors	33,922	24,197
Legal Services Of Northern California	459,895	328,619
Legal Services For Prisoners With Children	78,297	58,387
Los Angeles Center For Law And Justice	50,881	36,315
Los Angeles Co. Bar Association Projects	45,643	32,568
McGeorge Community Legal Services	33,775	24,105
Mental Health Advocacy Services	57,672	41,162
Nat'l Center For Youth Law	78,297	58,387
Nat'l Economic Development & Law Center	78,297	58,387
Nat'l Health Law Program	78,297	58,387
Nat'l Housing Law Project	78,297	58,387
Nat'l Immigration Law Center	78,297	58,387
Nat'l Senior Citizens Law Center	78,297	58,387
Neighborhood Legal Services	529,181	377,689

Prison Law Office	134,193	95,814
Pro Bono Project Silicon Valley	39,200	28,070
Protection & Advocacy, Inc.	1,124,055	803,356
Public Advocates	70,166	50,158
Public Counsel	385,960	275,401
Public Interest Clearinghouse	78,297	58,387
Public Interest Law Project	78,297	58,387
Public Law Center	169,595	121,059
Public Service Law Corp. Of Riverside	39,842	28,433
San Diego Volunteer Lawyer Program	160,825	114,394
San Francisco Bar Volunteer Legal Services	51,678	37,221
Santa Clara County Asian Law Alliance	18,273	13,190
Santa Clara Univ. Alexander Law Center	26,742	19,304
Senior Adults Legal Assistance	19,183	13,847
Senior Advocacy Ctr Of Northern California	26,105	18,621
Senior Citizens' Legal Services	15,206	10,843
Senior Law Project	8,722	6,222
The Impact Fund	78,297	58,387
UC Davis School Of Law Legal Clinics	37,714	26,988
USC Law School Litigation Clinics	38,660	27,603
USD School Of Law Legal Clinics	27,821	22,559
Voluntary Lgl. Svcs. Of Northern Calif.	55,744	39,769
Western Center On Law And Poverty	78,297	58,387
Western Law Center For Disability Rights	93,397	66,660
Youth Law Center	78,297	58,387
Yuba-Sutter Legal Center For Seniors	12,150	8,667
TOTAL:	11,991,756	8,563,481