

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

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**Report**

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts  
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DATE: September 20, 2004

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 (attached at pages 4–20) on the distribution of Equal Access Fund grants. In that report, the commission requests that the Judicial Council approve the distribution of \$8,550,000 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 six 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 October 8, 2004, recommendation of the State Bar Legal Services Trust Fund Commission and approve the distribution of \$8,550,000 in IOLTA-Formula Grants for 2004–2005 according to the terms of the state budget, and the commission’s determination as to each individual grant that the proposed budget complies with the statutory and other guidelines.

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. 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 from the 2004-2005 budget is attached at page 11 and states: “The 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. 2004, ch. 208, p. 16-17.)

The budget-control language requires that the Judicial Council distribute these funds 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 trust accounts (“IOLTA Fund”). (Bus. & Prof. Code, § 6210 et seq.; State Bar Rules Regulating Interest-Bearing Trust Fund Accounts for the Provision of Legal Services, rule 4.)

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 16, 2004, and approved a schedule for allocation of IOLTA-Formula Grants to legal services providers according to the formula established by 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–September 30, 2005.

The commission’s report regarding 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 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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TO: Members of the Judicial Council

FROM: Paul Tepper, Chair,  
Legal Services Trust Fund Commission  
Judith C. Garlow, Director,  
Legal Services Trust Fund Program

SUBJECT: Distribution of Equal Access Fund Grants

### EXECUTIVE SUMMARY

In the last five years 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 fifth grant year at the end of September. These funds are distributed according to a system set forth in the Interest on Lawyer Trust Accounts statute and 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 calculated the allocation of grants to eligible legal services providers and instructed its staff to request a proposed budget from each of them. The amount budgeted for IOLTA-Formula EAF grants in the State

Budget Act has remained unchanged from prior years. With approval by the council at its October 15, 2004 meeting, 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 19 proposals were funded in the fifth and most recent grant year. Commission members and staff have refined the grant criteria and guidelines used last year and have prepared a new request for proposals for projects to be funded in calendar year 2005, and will present proposed grantees and allocations to the council in December, 2004.

It is now appropriate for the council to approve the distribution of the IOLTA-Formula Grants for 2004-2005. 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 2004 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," will be \$8,550,000 if the budget is approved at the same level as last year.
- 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 will be \$950,000 if the budget is approved at the same level as last year
- 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 2004-2005 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 October 15 meeting.)

## **IOLTA-FORMULA GRANTS**

### **First Five 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 budgeting process for the funds for last year and this year, 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 addition we are well along in preparing the report to the Legislature on the use of these funds, which is to be filed by March 2005. The Administrative Office of the Courts has provided education and training to service providers in evaluation theory and technique, and is now analyzing significant quantities of reported data; AOC and State Bar staff are preparing and editing preliminary drafts of the report itself.

### **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 used for what we are calling IOLTA-Formula Grants: 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.

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 and 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 16, 2004, the commission set a schedule for going forward with the allocation of IOLTA-Formula Grants (which will total \$8,550,000 if the fund is approved at the \$10 million level) to eligible legal services providers according to the statutory formula. The grant period for these distributions will be October 1, 2004, through September 30, 2005. A list of the tentative allocations, along with the allocation of grants from the IOLTA Fund for the 2004-2005 grant year (July 1, 2004, through June 30, 2005, in the case of the IOLTA Fund grants) appears on pages 14 to 16.

In years prior to 2002, this list showed IOLTA grants that were larger than the IOLTA-Formula Equal Access Fund grants. However, IOLTA grant resources rise and fall depending on interest rates and the balances in attorneys' trust accounts; economic conditions in recent years have resulted in a 38% decrease in IOLTA resources for the 2004-2005 grant year as against the 2001-02 IOLTA grant year. Even though the IOLTA fund this year is 11% larger than it was last year, IOLTA-Formula EAF grants currently remain slightly larger than IOLTA grants.

We have asked eligible legal services programs to prepare proposed budgets and budget narratives for the anticipated IOLTA-Formula grant amounts. The proposed budgets are due back to us by August 17, 2004, after which the commission's Eligibility and Budget Committee will recommend action by the full commission at a meeting on October 8. Following the commission's approval of the budgets, the State Bar will sign a grant agreement with each recipient program. (Attached at pages 17-20 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 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 mid-year and year-end programmatic 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 are currently being used to collect data for the comprehensive report to the Legislature.

*Judicial Council.* The Budget Act, as currently written, 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 2004-2005 subject to the commission’s determination as to each individual grant that the proposed budget complies 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. Nineteen projects throughout California currently are receiving these “Partnership” grants, in sums from \$20,000 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 staff and a committee of the Legal Services Trust Fund Commission. This evaluation encompasses several criteria, including but not limited to managing conflicts and 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. Funding is provided on a calendar year basis.

The Request for Proposals for Partnership Grant projects for calendar year 2005 was issued in August 2004. 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, 2004, 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 October 15 the distribution of \$8,550,000 in IOLTA-Formula Grants awarded by the Legal Services Trust Fund Commission pursuant to the Budget Act of 2004. 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 No. 1113

## CHAPTER 208

*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 31, 2004. Filed with Secretary of State July 31, 2004.]

### Pages 15-17, Ch. 208

0250-101-0001—For local assistance, Judiciary ..... 13,556,000  
Schedule:

Item	Amount
(1) 30.10-Child Support Commissioner Program (AB 1058) .....	43,122,000
(2) 30.20-California Drug Court Projects .....	2,858,000
(3) 30.30-Federal Child Access and Visitation Grant Program .....	800,000
(4) 30.50-Federal Court Improvement Grant Program.....	700,000
(5) 30.60-Court Appointed Special Advocate (CASA) Program .....	1,924,000
(6) 30.65-Model Self-Help Program.....	832,000
(8) 30.80-Federal Grants—Other .....	775,000
(9) 30.90-Equal Access Fund .....	9,500,000
(10) 30.95-Family Law Information Centers.....	300,000
(11) Reimbursements .....	-44,980,000
(12) 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 (9) 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 (9) 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 (9) 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. Notwithstanding any other provision of law, an amount not to exceed the level of the unallocated reduction in Schedule (5) of Item 0250-001-0001, may be transferred from this item in augmentation of item 0250-001-0001 by the Controller at the request of the Administrative Office of the Courts.

## LEGAL SERVICES TRUST FUND COMMISSION 2004-2005

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*\*: Sitting by designation of the Chief Justice.*

*8/31/04; two State Bar Appointees are yet to be named for 2004-05.*

LEGAL SERVICES TRUST FUND PROGRAM  
2004-2005 GRANT ALLOCATIONS

Grants Based on the IOLTA Allocation Formula

From IOLTA Fund and Equal Access Fund

<b>Program Name</b>	<b>IOLTA Grant 7/1/04-6/30/05</b>	<b>Proposed EAF Grant 10/1/04-9/30/05</b>
AIDS LEGAL REFERRAL PANEL	5,556	5,791
ALAMEDA CO BAR VOLUNTEER LEGAL SERVICES	16,672	17,374
ALAMEDA COUNTY HOMELESS ACTION CENTER	8,814	9,185
ALLIANCE FOR CHILDREN'S RIGHTS	129,282	134,725
ASIAN LAW CAUCUS	13,475	14,043
ASIAN PACIFIC AMERICAN LEGAL CENTER	119,711	124,752
ASIAN PACIFIC ISLANDER LEGAL OUTREACH	18,303	19,072
BAY AREA LEGAL AID	145,110	151,221
BENCHMARK INSTITUTE	56,972	59,371
BET TZEDEK LEGAL SERVICES	275,917	287,535
CALIF. ADVOCATES FOR NURSING HOME REFORM	56,972	59,371
CALIF. RURAL LEGAL ASSISTANCE FOUNDATION	56,972	59,371
CALIFORNIA CENTER FOR LAW AND THE DEAF	10,002	10,424
CALIFORNIA INDIAN LEGAL SERVICES	113,466	118,287
CALIFORNIA RURAL LEGAL ASSISTANCE, INC.	648,298	676,285
CALIFORNIA WOMEN'S LAW CENTER	56,972	59,371
CASA CORNELIA LAW CENTER	24,007	25,018
CENTER FOR COMMUNITY ADVOCACY	19,814	20,648
CENTER FOR HEALTH CARE RIGHTS	49,644	51,734
CENTER FOR HUMAN RIGHTS AND CONST. LAW	56,972	59,371
CENTER FOR LAW IN THE PUBLIC INTEREST	30,930	32,232
CENTRAL CALIFORNIA LEGAL SERVICES	337,580	351,794
CENTRO LEGAL DE LA RAZA	5,334	5,558
CHILD CARE LAW CENTER	56,972	59,371
CHILDREN'S RIGHTS CLINIC	17,665	18,408
COALITION OF CALIF. WELFARE RIGHTS ORGS.	56,972	59,371
COMMUNITY LEGAL SVCS. IN EAST PALO ALTO	4,077	4,249
CONTRA COSTA SENIOR LEGAL SERVICES	10,426	10,865
DISABILITY RIGHTS EDUC. AND DEFENSE FUND	56,972	59,371
EAST BAY COMMUNITY LAW CENTER	35,924	37,436
ELDER LAW & ADVOCACY	40,486	42,191
FAMILY VIOLENCE LAW CENTER	29,928	31,188
GREATER BAKERSFIELD LEGAL ASSISTANCE	111,410	116,101
HALSA	31,659	32,993
HARRIETT BUHAI CENTER FOR FAMILY LAW	79,920	83,286
HOMEBASE/CENTER FOR COMMON CONCERNS	40,199	42,223
IMMIGRANT LEGAL RESOURCE CENTER	56,972	59,371
INLAND COUNTIES LEGAL SERVICES	362,233	377,485
INLAND EMPIRE LATINO LAWYERS LEGAL AID	29,526	30,770

INNER CITY LAW CENTER	55,805	58,155
LA RAZA CENTRO LEGAL	17,360	18,092
LAW CENTER FOR FAMILIES	11,963	12,467
LAW FOUNDATION OF SILICON VALLEY	40,822	42,540
LAWYERS' COMMITTEE FOR CIVIL RIGHTS	48,601	50,646
LEGAL AID FOUNDATION OF LOS ANGELES	513,110	534,715
LEGAL AID FOUNDATION OF SANTA BARBARA	22,933	23,898
LEGAL AID OF THE NORTH BAY	21,797	20,479
LEGAL AID SOCIETY OF ORANGE COUNTY	351,885	366,702
LEGAL AID SOCIETY OF SAN BERNARDINO	78,465	81,769
LEGAL AID SOCIETY OF SAN DIEGO	216,919	226,052
LEGAL AID SOCIETY OF SAN MATEO COUNTY	30,363	31,642
LEGAL AID SOCIETY-EMPLOYMENT LAW CENTER	153,356	160,045
LEGAL ASSISTANCE FOR SENIORS	26,639	27,761
LEGAL ASSISTANCE TO THE ELDERLY	6,345	6,612
LEGAL CENTER FOR ELDERLY AND DISABLED	17,797	18,546
LEGAL SERVICES FOR CHILDREN	25,406	26,477
LEGAL SERVICES FOR SENIORS	26,074	27,172
LEGAL SERVICES OF NORTHERN CALIFORNIA	319,565	333,022
LEGAL SVCS. FOR PRISONERS WITH CHILDREN	56,972	59,371
LOS ANGELES CENTER FOR LAW AND JUSTICE	39,853	41,531
LOS ANGELES CO. BAR ASSOCIATION PROJECTS	34,617	36,075
MALDEF	56,972	59,371
MCGEORGE COMMUNITY LEGAL SERVICES	26,356	27,466
MENTAL HEALTH ADVOCACY SERVICES	38,158	39,765
NAT'L CENTER FOR YOUTH LAW	56,972	59,371
NAT'L ECONOMIC DEVELOPMENT & LAW CENTER	56,972	59,371
NAT'L HEALTH LAW PROGRAM	56,972	59,371
NAT'L HOUSING LAW PROJECT	56,972	59,371
NAT'L IMMIGRATION LAW CENTER	56,972	59,371
NAT'L SENIOR CITIZENS LAW CENTER	56,972	59,371
NEIGHBORHOOD LEGAL SERVICES	375,090	390,884
PRISON LAW OFFICE	95,636	99,760
PRO BONO PROJECT SILICON VALLEY	32,560	33,932
PROTECTION & ADVOCACY, INC.	797,061	830,624
PUBLIC ADVOCATES	48,068	50,934
PUBLIC COUNSEL	261,056	272,048
PUBLIC INTEREST CLEARINGHOUSE	56,972	59,371
PUBLIC INTEREST LAW PROJECT	56,972	59,371
PUBLIC LAW CENTER	107,428	111,951
PUBLIC SERVICE LAW CORP. OF RIVERSIDE	31,671	33,005
SAN DIEGO ADVOCATES FOR SOCIAL JUSTICE	5,711	5,951
SAN DIEGO VOLUNTEER LAWYER PROGRAM	112,389	117,122
SAN FRANCISCO BAR VOLUNTEER LGL. SVCS.	41,861	43,624
SANTA CLARA COUNTY ASIAN LAW ALLIANCE	14,546	15,158
SANTA CLARA UNIV. ALEXANDER LAW CTR.	22,418	23,362
SENIOR ADULTS LEGAL ASSISTANCE	15,542	16,196
SENIOR ADVOCACY CTR OF NORTHERN CA.	20,821	21,696
SENIOR CITIZENS' LEGAL SERVICES	10,248	10,679

SENIOR LAW PROJECT	8,673	9,038
SONOMA COUNTY LEGAL AID	20,166	21,015
THE IMPACT FUND	56,972	59,371
UC DAVIS SCHOOL OF LAW LEGAL CLINICS	25,544	26,618
USC LAW SCHOOL LITIGATION CLINICS	19,737	20,568
USD SCHOOL OF LAW LEGAL CLINICS	37,579	39,161
VOLUNTARY LGL. SVCS. OF NORTHERN CALIF.	38,376	39,990
WESTERN CENTER ON LAW AND POVERTY	56,972	59,371
WESTERN LAW CENTER FOR DISABILITY RIGHTS	63,216	65,878
YOUTH LAW CENTER	56,972	59,371
YUBA-SUTTER LEGAL CENTER FOR SENIORS	7,601	7,922

## GRANT AGREEMENT

### THE STATE BAR OF CALIFORNIA

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

This Grant Agreement is made as of October 1, 2003, (the "Effective Date") between The State Bar of California ("State Bar"), a California public corporation, and «PGNM27», a California nonprofit corporation ("Recipient").

#### RECITALS

Pursuant to California Business and Professions Code Section 6210-6228 (the "Act") and the Budget Act of 2003 (Stats. 2003, ch 157, §2, item No. 0250-101-0001, sched.(9), prov. 2, AB 1765, 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, 2003 and ending on September 30, 2004 ("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 \$ «SMIGT\_» ("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 representation, advocacy or advice ("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:	«PGNM26» «PGA126» «PGA226» «PGCY26», «PGST26» «PGZP26»
Attention:	«PGNM28» «PGTL28»

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

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

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

DATE: \_\_\_\_\_, 2003

DATE: \_\_\_\_\_, 2003

By \_\_\_\_\_  
Sam Quan  
Acting CFO

By \_\_\_\_\_  
Its Chairperson

DATE: \_\_\_\_\_, 2003

DATE: \_\_\_\_\_, 2003