

**Request for Applications to Operate Pilot Projects  
Under the Sargent Shriver Civil Counsel Act,  
Fiscal Years 2020–2023**

**Complete Application Checklist**

- 1. Grant Application Cover Page.....
- 2. Project Narrative.....
- 3. Budget Proposal.....
- 4. Certifications and Attachments .....

*Completed applications must be e-mailed to Bonnie Hough at  
Bonnie.Hough@jud.ca.gov by 2 p.m., Friday, February 28, 2020.*

*The completed application must include the signed Cover Page, Project Narrative,  
Budget Proposal, and Certificates and Attachments, as described in this document.*

**NO EXTENSIONS WILL BE GRANTED.**

An original and four hard copies of the completed application must also be mailed on  
February 28 to:

Judicial Council of California  
Center for Families, Children & the Courts  
Attn: Bonnie Hough  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102-3688

Questions regarding this application may be submitted by January 31, 2020, to  
[ShriverCommittee@jud.ca.gov](mailto:ShriverCommittee@jud.ca.gov).

A conference call to answer questions from potential applicants will be held on  
Thursday, January 16, 2020 at noon.

Dial in: 877-820-7831  
Participant Code: 182323#

The call will be recorded and the recording will be posted at  
<https://www.courts.ca.gov/shrivercommittee.htm#panel43413>

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# **1. INFORMATION ON THE SHRIVER CIVIL COUNSEL GRANT RFA PROCESS**

## **1.1 Introduction**

The Judicial Council of California, Center for Families, Children & the Courts, is charged with the implementation of the Sargent Shriver Civil Counsel Act (Assem. Bill 590 (Feuer); Stats. 2009, ch. 457) by funding pilot projects. The purpose of the Sargent Shriver Civil Counsel Act is to improve timely and effective access to justice in civil cases by funding one or more pilot projects that provide legal representation and improved court services to low-income parties on critical legal issues affecting basic human needs.

This project has had three grant cycles since 2011. In early 2012, 10 pilot projects were selected by the Judicial Council and began operation, 9 were selected in 2014, and 10 were selected in 2017. Under the terms of the legislation, the projects were authorized for three-year periods, subject to renewal for a period to be determined by the Judicial Council, in consultation with each participating project, in light of the project's capacity and success. The third three-year period will end on September 30, 2020.

In September 2019, Governor Gavin Newsom signed Assembly Bill 330 (Gabriel; Stats. 2019, ch. 217). This bill amended the language of the Government Code to increase specified fees that fund the Shriver project from \$10 to \$25 per filing. The Judicial Council anticipates that this change will increase the amount of funds available to the program by approximately \$11 million—to approximately \$18 million per year. Because these amounts are estimates based on revenue projections, the Judicial Council may award amounts that are less than the full projection in the initial year and then consider increases to the grants in future years, staged implementation of new grants, or other steps to ensure sufficient funding for all awards. Final award amounts are contingent on approval by the Judicial Council.

## **1.2 General Information**

### **1.2.1 Eligibility**

Each pilot project is a partnership among (1) the court; (2) a “qualified legal services project,” as defined by Business and Professions Code section 6213(a), that will serve as the lead legal services agency for case assessment and direction, and (3) other legal services providers in the community that are able to provide the services for the project. The role of the partners is set out in Government Code section 68651(b)(4).

### **Legal Services Providers**

Eligible applicants for this program are legal services agencies, in partnership with California superior courts, who will provide legal representation to low-income Californians who are at or below 200 percent of the federal poverty level and need representation in one or more of the following areas:

- Housing-related matters
- Domestic violence and civil harassment restraining orders
- Elder abuse
- Guardianship of the person
- Probate conservatorship
- Child custody actions by a parent seeking legal or physical custody of a child

Applicants may submit one application for housing, domestic violence and civil harassment restraining orders, elder abuse, guardianship, and probate conservatorship but must submit a separate application if they propose to provide representation in custody matters.

Up to 20 percent of the total available funding will be allocated for pilot projects that provide representation in child custody cases.

The lead legal services agency will:

- Receive all referrals to the project and determine eligibility based on uniform criteria;
- Provide representation to the clients or make referrals; and
- Identify and make use of pro bono services from attorneys to maximize available services efficiently and economically.

### **Court Partners**

Court partners will implement improved court procedures, training, case management and administration methods, and best practices to ensure that eligible low-income unrepresented parties in the proposed areas of law have meaningful access to justice. Improved court procedures should guard against the involuntary waiver or other loss of rights in the selected legal areas and the disposition of cases by default or without appropriate information and regard for potential claims and defenses. Procedures should also encourage fair and expeditious voluntary dispute resolution, consistent with principles of judicial neutrality, and take into account that self-help services may be inadequate to meet all the needs of unrepresented parties because of their relative education, income, language proficiency, and skills to effectively advocate for themselves in light of the nature and complexity of the proceeding, particularly when the opposing party is represented by counsel.

Courts may want to consider collaborative court models, expanded self-help assistance, simplified procedures, opportunities for remote appearances, expanded settlement conferences, and other settlement services that could be funded as part of this partnership.

### **Advisory Committee**

The statute requires that a local advisory committee be formed for each pilot project, to include representatives of the bench and court administration, the lead legal services

agency, and the other agencies or providers that are part of the local project team. The role of the advisory committee is to facilitate the administration of the local pilot project and to ensure that the project is fulfilling its objectives. In addition, the committee will resolve any issues that arise during the course of the pilot project—including issues concerning case eligibility—and recommend changes in project administration in response to implementation challenges. The committee is to meet at least monthly for the first six months of the project, and no less than quarterly for the duration of the pilot period. Each authorized pilot project must catalog changes to the program made during the three-year period based on its experiences with best practices in serving the eligible population.

### **Participation in Evaluation**

Applicants must participate in a legislatively mandated evaluation study. AB 330 requires the Judicial Council to submit an evaluation study to the Legislature every five years. The statute provides that the study include:

- Percentage of funding by case type;
- Impact of providing representation on equal access to justice and the effect on the clients and court administration and efficiency;
- Impact of enhanced coordination between courts and other government service providers and community resources;
- Impact of the pilot program on families and children;
- Strategies and recommendations for maximizing the benefit of that representation in the future; and
- Assessment of the continuing unmet needs and, if available, data regarding those unmet needs.

The initial evaluation report on the study was submitted to the Legislature in January 2016 ([www.courts.ca.gov/documents/lr-SargentShriverCivilCounselAct.pdf](http://www.courts.ca.gov/documents/lr-SargentShriverCivilCounselAct.pdf)), and a more in-depth study was submitted in August 2017 ([www.courts.ca.gov/documents/lr-2017-JC-Shriver-civil-right-to-counsel.pdf](http://www.courts.ca.gov/documents/lr-2017-JC-Shriver-civil-right-to-counsel.pdf)). The next evaluation will be submitted on June 30, 2020.

### **1.2.2 Due Date and Submission Instructions**

Completed applications including Cover Page, Project Narrative, Budget Proposal, and Certificates and Attachments must be emailed by 2 p.m. on Friday, February 28, 2020, to Bonnie Hough at [Bonnie.Hough@jud.ca.gov](mailto:Bonnie.Hough@jud.ca.gov).

The proposer must also submit **one original and four hard copies** each complete application by mail on February 28, 2020, to:

Judicial Council of California  
Center for Families, Children & the Courts  
Attn: Bonnie Hough

455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102-3688

Please note that a hard copy of the application must be kept by your agency.

For assistance, please contact Lisa Chavez by email at [Lisa.Chavez@jud.ca.gov](mailto:Lisa.Chavez@jud.ca.gov) or by phone at 916-643-7021.

### 1.2.3 Grant Application Timeline

The Judicial Council has developed the following list of key events related to this application. All dates are estimated and are subject to change at the discretion of the Judicial Council.

EVENT	DATE
Grant application issued	January 6, 2020
Conference call for interested bidders (will be recorded and posted)	January 16, 2020 noon Pacific time (PT)
Deadline for questions to <a href="mailto:ShriverCommittee@jud.ca.gov">ShriverCommittee@jud.ca.gov</a>	January 31, 2020
Questions and answers posted ( <i>estimate only</i> )	February 5, 2020
Applications due date (by email)	February 28, 2020 no later than 2 p.m. PT
Evaluation of proposals	February–March 2020
Judicial Council meeting to consider grant awards	May 15, 2020
Negotiations and execution of contract	May 15–August 31, 2020
Notice of award	September 1, 2020
Contract start date	October 1, 2020
Contract end date, with option for two 1-year renewals	September 30, 2021

### 1.2.4 Grant Awards

The Judicial Council intends to award one or more grant contracts for pilot projects for a three-year period, **October 1, 2020, through September 30, 2023**. Grant contracts will be funded each one-year period, with an option to renew for two years.

### 1.2.5 Use of Funds

Grant funds may not be used to supplant or replace already allocated funding for salaries of any current court staff.

Funds allocated to the program by this agreement must be used for the purposes established by the grant and must not be used for any other purpose.

The lead legal services agency will submit monthly invoices for reimbursement, and applicable cooperative court partners will submit quarterly invoices for reimbursement. The lead legal services agency and court partners will be provided with a yearly contract maximum for each year of the three-year grant period.

The other partner organizations (subcontractors) will submit invoices through the lead legal services agency.

### **1.2.6 Application Review**

As set out in Government Code section 68651(b)(5), applications will be reviewed by an implementation committee appointed by the Chief Justice, who is chair of the Judicial Council. The implementation committee will make recommendations for funding to the Judicial Council.

The implementation committee will assess pilot projects based on the applicants' capacity for success, innovation, and efficiency, including, but not limited to, the likelihood that the project will effectively deliver quality representation that will meet critical needs in the community and address the needs of the court regarding access to justice and calendar management as well as the unique local unmet needs for representation in the community.

Projects will be selected based on whether, in the cases proposed for service, the persons to be assisted are likely to be opposed by a party who is represented by counsel. The committee will also consider the following factors specified in Gov. Code, § 68651(b)(5); in selecting the projects:

- a) The likelihood that representation in the proposed case type tends to affect whether a party prevails or otherwise obtains a significantly more favorable outcome in a manner in which they would otherwise frequently have judgment entered against them or suffer the deprivation of the basic human need at issue
- b) The likelihood of reducing the risk of erroneous decision;
- c) The nature and severity of potential consequences for the unrepresented party regarding the basic human need at stake if representation is not provided.
- d) Whether the provision of legal services may eliminate or reduce the potential need for, and cost of, public social services regarding the basic human need at stake for the client and others in the client's household.
- e) The unmet need for legal services in the geographic area to be served.
- f) The availability and effectiveness of other types of court services, such as self-help.

The committee will further consider whether the legal services organizations and the courts have the capability to provide data for evaluation.

The Judicial Council may conduct interviews with, or request additional information from, proposers to clarify aspects described in their proposals. The implementation committee will make recommendations to the Judicial Council regarding which proposed pilot projects to fund.

## **2. APPLICATION CONTENTS**

All applications must include:

1. Grant Application Cover Page
2. Project Narrative
3. Budget Proposal
4. Certifications and Attachments

### **2.1 Grant Application Cover Page**

Please complete one Grant Application Cover Page. If you are submitting an application for custody in addition to other areas of law, that custody application will require a separate application. The Grant Application Cover Page is a fillable form to gather general contact information.

Required signatures include those of:

- The president of the Board of Directors of the lead legal services agency and the executive director or other individuals who have been duly authorized by the board to execute contracts on behalf of the agency;
- The presiding judge or court executive officer; and
- If applicable, the subcontractor legal services provider's executive director.

### **2.2 Project Narrative**

#### **2.2.1 Project Description**

Please provide a project description that addresses the following:

##### **1. Overview of Program Objectives and Targeted Services**

- a. What is the area of need?
- b. Specify the areas of law for which legal representation will be provided.
- c. Describe how the project will be administered.

##### **2. Service Delivery and Referrals**

- a. How many clients does the project anticipate serving?

- b. Provide a short description of each service delivery method to be used, and identify how many people the project intends to serve by that method—for example, *Limited Scope Representation; landlord/tenant; identify defenses, prepare an answer to be filed with the court, provide information to client about settlement options and basic trial preparation; 320 annually.*
- c. What referral systems will be developed?
- d. How will the program assess cases and determine which eligible persons are to be provided full legal representation, which are to be provided limited legal representation, which are to be provided only advice and assistance, which will receive mediation, and which eligible persons will be referred to self-help or other services?
- e. Describe how services will be provided to undocumented persons. Will your agency subcontract for those services?
- f. How will services be provided to individuals with limited English proficiency?
- g. How will services be provided to persons with disabilities?
- h. Where will the program be located?
- i. How will litigants find out about the pilot project?

### **3. Conflicts**

- a. How will conflicts be identified and addressed without violating attorney-client privilege when adverse parties are seeking representation and both parties are eligible for services?
- b. Describe the protocols for referring to the cooperating agency or conflicts panel when both parties are eligible for services.

### **4. Coordination with Private Attorneys**

- a. How will private attorneys be utilized in the pilot projects as pro bono counsel and/or as paid contractors?
- b. How will those attorneys maintain and supply information about the time devoted to representation of project clients?
- c. How will pro bono attorneys be encouraged to provide these services?

### **5. Program Effectiveness and Efficiencies**

- a. How will your proposed pilot project:
  - (1) Eliminate or reduce the potential need for and the cost of public social services or otherwise lead to potential public savings;
  - (2) Reduce the unmet need for legal services in the geographic area;
  - (3) Guard against the involuntary waiver or other loss of rights;
  - (4) Reduce the risk of erroneous court decisions;
  - (5) Encourage fair and expeditious voluntary dispute resolution;

- (6) Result in more informed decisions by the court or a more favorable outcome for the client;
- (7) Address the needs of the court regarding access to justice, calendar management, and the fair and efficient administration of justice;
- (8) Provide information about the cost-effective provision of legal representation to eligible low-income clients in the specified areas of the law that can be replicated in other parts of the state; and
- (9) Increase the public's trust and confidence in the court.

### **2.2.2 Legal Services Agency**

1. Provide an overview of the lead agency's qualifications, highlighting experience providing legal representation in the areas of law for which services will be provided or other areas and the expertise and experience of staff members who will be responsible for the pilot project.
2. Provide an overview of qualifications of all other agencies or individuals who will be providing legal representation in the pilot project.
3. Describe how attorneys and support staff will be supervised to ensure the quality and adequacy of legal representation. Include a description of the mechanisms to ensure the oversight of the quality of services provided by subcontractors and pro bono attorneys.
4. Describe the agency's ability to manage a large project, maintain required data, and address potential delays in payment resulting from complexity of the state reimbursement process.
5. Describe at least one similar project that the proposer has completed, including an overview of the project, number of staff involved, number of clients served, and evaluation activities.
6. For previously funded projects, list innovations instituted in the previous grant. Describe successes and challenges of those innovations. What changes, if any, will be implemented in the new grant year period?

### **2.2.3 Collaboration**

1. Describe past collaborative efforts between the lead legal services agency and the court and between the lead legal services agency and other legal services agencies that will be participating in the pilot project.
2. Describe the processes that the agency and court have in place to prevent the agency, its approved subcontractors, and the court from double-charging personnel time or costs to different contracts.

## **2.2.4 Court Role**

### **1. Court Innovation**

- a. What innovations will the court adopt regarding court procedures, training, case management, and administration methods to implement best practices to ensure that eligible low-income unrepresented parties in the proposed areas of law will have meaningful access to justice?
- b. What effect do you anticipate those court procedures will have on achieving the goals of the Sargent Shriver Civil Counsel Act (Gov. Code, § 68651)? For example, will they increase settlements; preserve court resources and personnel; reduce inaccurate or incomplete court papers, unnecessary continuances, and unproductive court appearances; or guard against the involuntary waiver of rights or the loss of other rights or the disposition of cases by default or without the court's receiving appropriate information to determine the case?
- c. If such procedures have already been instituted, please provide any information on the successes and challenges of those efforts. Are any changes proposed to these procedures if this grant is awarded?

### **2. Court's Procedures to Encourage Voluntary Dispute Resolution**

- a. What new procedures has the court adopted or will the court adopt to encourage the parties to participate in fair and expeditious voluntary dispute resolution, consistent with the principles of judicial neutrality?
- b. If already adopted, please provide any information on the successes and challenges associated with these efforts. Are any changes proposed to these procedures if this grant is awarded?

## **2.2.5 Evaluation Requirement**

Full participation in the evaluation of the project is required. An important goal of the project is to evaluate effectiveness of different approaches to providing services. A number of evaluation techniques will be used, including random assignment.

1. Describe the lead legal service agency's capability to participate in the evaluation of the Shriver project, and state the agency's commitment to cooperate with the Judicial Council and evaluation contractor, including potential participation in randomized assignment of cases.
2. Describe how the agency will assist the evaluation contractor with data collection, including supplying information about the time devoted to representation of project clients, maintaining case and statistical information required for reporting purposes, facilitating access to court records for review, facilitating access to clients for follow-up surveys or interviews, and hosting evaluator site visits. Indicate your commitment to participate in an extensive site-level evaluation, including the possibility of random

assignment of cases for a fixed period to either receive or not receive representation or other services to determine the impact of providing different levels of service.

### 2.3 Budget Proposal

Please complete the Budget Proposal Excel workbook (tabs 1–7). The workbook includes the following:

**1. Proposed Budget for FY 2020–21 (The fiscal year is October 1 – September 30)**

The proposer must specify the total maximum cost for the proposal. The tabs must include the salary projects and operation supplies for the lead legal services agency, court partner, and partner organizations.

**2. Proposed Budget for FY 2021–22**

The proposer must specify the total maximum cost for the proposal. The tabs must include the salary projects and operation supplies for the lead legal services agency, court partner, and partner organizations.

**3. Proposed Budget for FY 2022–23**

The proposer must specify the total maximum cost for the proposal. The tabs must include the salary projects and operation supplies for the lead legal services agency, court partner, and partner organizations.

**4. Three-Year Summary**

This tab will automatically populate based on the summation of the first three proposed grant years (tabs 1–3).

**5. Proposed Funding for 2020–21**

This tab provides information about other funding sources that would support or supplement the proposed Shriver project the first year of the grant only for the lead legal services agency, court partner, and partner organizations.

**6. Proposed Staffing for 2020–23**

This tab should reflect the number (in full-time equivalents) of attorneys, paralegals, and other personnel who would be assigned to the Shriver project for the lead legal services agency, court partner, and partner organizations for each year of the grant.

**7. Prior Cases Services**

This tab reflects civil legal services provided in 2019–20 for the lead legal services agency and partner organizations.

### 2.4 Certifications and Attachments

The following attachments are included and required as part of this grant proposal (Request for Applications (RFA)). Attachments 3-8 must be signed by an authorized representative of the proposer.

ATTACHMENTS
Attachment 1: Administrative Rules Governing RFAs (Non-IT Services)
Attachment 2: Judicial Council Standard Terms and Conditions

<b>ATTACHMENTS</b>
Attachment 3: Proposer's Acceptance of Terms and Conditions
Attachment 4: General Certifications Form
Attachment 5: Darfur Contracting Act Certification
Attachment 6: Iran Contracting Act Certification
Attachment 7: Payee Data Record Form
Attachment 8: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification

### **Description of Certifications and Attachments**

1. Attachment 1, *Administrative Rules Governing RFAs (Non-IT Services)* for this solicitation.
2. Proposer must complete and submit with proposal Attachment 3, *Proposer's Acceptance of Terms and Conditions*. Proposer must complete by either indicating acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An "exception" includes any addition, deletion, qualification, limitation, or other proposed change.
3. *If exceptions are suggested*, proposer must also submit a redlined version of the Terms and Conditions, *Attachment 2, Contract Terms and Conditions*, that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.

NOTE: A proposal that takes a material exception (addition, deletion, or other modification) to a Minimum Term will be deemed nonresponsive. The Judicial Council, in its sole discretion, will determine what constitutes a material exception.

4. Proposer must complete and submit with proposal Attachment 4, *General Certifications Form*, to certify that no interest exists that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410, or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restricts employees and former employees from contracting with judicial branch entities.
5. Proposer must complete and submit with proposal Attachment 5, *Darfur Contracting Act Certification* form, to certify that proposer is not a "scrutinized company," as defined in Public Contract Code section 10476.
6. Proposer must complete and submit with proposal Attachment 6, *Iran Contracting Act Certification Form*. Under Public Contract Code section 2204, the form is required for solicitations of goods or services of \$1 million or more.

7. Proposer must complete and submit with proposal Attachment 7, *Payee Data Record Form*, or provide a copy of a form previously submitted to the Judicial Council.
8. Proposer must complete and submit with proposal Attachment 8, *Unruh Civil Rights Act and California Fair Employment and Housing Act Certification*.
8. If proposer is a California corporation, limited liability company (LLC), limited partnership (LP), or limited liability partnership (LLP), proposer must provide proof that proposer is in good standing in California. If proposer is a foreign corporation, LLC, LP, or LLP and proposer conducts or will conduct (if awarded the contract) intrastate business in California, proposer must provide proof that proposer is qualified to do business and is in good standing in California. If proposer is a foreign corporation, LLC, LP, or LLP, and proposer does not (and will not if awarded the contract) conduct intrastate business in California, proposer must provide proof that proposer is in good standing in its home jurisdiction.
9. Proposer must provide copies of current business licenses, professional certifications, or other credentials.