



THE PARTNERSHIP GRANT REQUEST FOR PROPOSAL: REQUIREMENTS, PRIORITIES, AND POLICIES

This document provides information for organizations interested in submitting proposals for Partnership Grants.

- Section A includes background on applicant eligibility requirements.
- Section B describes the criteria used to select successful Partnership Grant proposals.
- Section C states policies regarding whether, or to what extent, certain activities would be eligible for funding through a Partnership Grant.

Organizations intending to submit proposals for Partnership Grants should review these materials to ensure that the proposed projects are eligible for this funding, and that their proposals describe those activities in a manner that best addresses the principal concerns of the funding authorities.

BACKGROUND

The State Budget Act establishes the Equal Access Fund “to improve equal access and the fair administration of justice.” The Equal Access Fund is allocated to the Judicial Council and administered by the State Bar of California, through its Legal Services Trust Fund Commission (Commission). Ten percent of the Equal Access Fund is reserved for “joint projects of courts and legal services programs to make legal assistance available to pro per litigants.”

Partnership Grants are awarded through a competitive process: The Commission reviews proposals and makes funding recommendations to the Judicial Council. Grants are awarded for a one-year period commencing January 1. Decisions of the Commission, as approved by the Judicial Council, are final; there is no appeals process.

Partnership Grants are primarily intended to support new projects or services, and to sustain services in rural or isolated areas. Consideration will also be given to ensuring that this funding

supports projects serving a diverse range of geographic areas, substantive issues, and client constituencies.

At the conclusion of each grant year, Partnership grantees must submit a comprehensive report and evaluation on the use and impact of these funds. Partnership Grant funding is typically awarded for no more than five consecutive years of support, and applicants must describe their plans for obtaining funding from other sources to support these projects after the termination of Partnership Grant support.

A. Applicant Eligibility Requirements

Applicants for Partnership Grants must meet the following eligibility requirements:

- Qualified Legal Services Projects (QLSPs): Only QLSPs are eligible to apply for Partnership Grants (Business & Professions Code 6210 et seq.).
- Joint Court/Qualified Legal Services Projects: Proposals must be for projects jointly developed and implemented by California State courts and QLSPs, and, except in rare circumstances, services must be delivered at or near the courthouse.
- Indigent Persons: Use of Partnership Grant funds is restricted to the provision of services to indigent persons as defined under Business and Professions Code §6213(d).
- Self-Represented Civil Litigants: Partnership Grant funding is restricted to providing assistance to individuals who are or expect to be engaged in civil litigation without representation by counsel. These funds cannot be used to make court appearances on behalf of litigants.

B. Selection Criteria for Partnership Grants

Partnership Grants are competitive and discretionary. The Commission will recommend grant awards with consideration for the need within the communities to be served, and the extent to which the proposals address the following issues:

- Impact of Services: The project must address the needs of the targeted population and achieve meaningful and timely outcomes.
- Collaboration with Cooperating Court: The project must be jointly undertaken with the court. The Commission will consider the extent to which the applicant and cooperating court will collaborate on this project to achieve access for self-represented litigants.

- Integration with Court-Based Services: The applicant's services, or planned services, should be integrated with other court-based services, including the Family Law Facilitator, self-help centers, and other offices of the cooperating court.
- Court's Impartiality: The proposal must ensure the court's independence and impartiality. If the project's services are to be reserved for only one litigant role, such as petitioners but not respondents, or defendants but not plaintiffs, the applicant must demonstrate that it has thoroughly explored all the implications of this decision with the court, and identified alternate legal resources that can provide meaningful if not equivalent levels of assistance to the opposing parties.
- Conflict of Interest: If the project establishes an attorney-client relationship with the self-represented litigants, it must provide meaningful referrals for individuals who are not eligible to use the services because they present a conflict of interest for the project.
- Information and Referrals: The proposal must address the methods by which the project will provide information and alternatives to litigants who are not eligible to use its services for any reason.
- Continuity Planning: In anticipation of the eventual termination of Partnership Grant support, the applicant must diligently pursue other means for supporting the continuation of the project. The Commission will consider efforts to pursue other sources of funding and support, as well as contributions actually received, such as commitments of the program's general operating revenue, recruitment of volunteers, and in-kind support.
- Evaluation: All applicants must incorporate evaluation plans into their Partnership Grant proposal and complete a year-end evaluation report.

C. Policies Regarding Administration Of Partnership Grants

The Commission has made policy determinations with regard to certain substantive issues that have arisen repeatedly, as guidance for applicants seeking to strengthen their proposals, and to help ensure the consistency of its own deliberations and recommendations regarding Partnership Grants. The following statements of Partnership Grants policies were each approved by the Commission, on the dates indicated in parentheses after their titles:

Self-Representation and Attorney-Client Relationships (July 2017)

Self-represented litigants receiving services under a Partnership Grant are not prohibited from forming a confidential relationship with a lawyer, so long as they remain unrepresented when they appear in court. While we will ultimately defer to the court's own determination as to

whether the litigant is self-represented, factors impacting this determination include where any attorney's participation takes place, and whether the attorney's name appears on pleadings or in the records of proceedings in court. So long as no appearance is made on the record and no representational activity occurs in court, formation of an attorney-client relationship in and of itself is not inconsistent with the "self-represented" status of a litigant.

Overhead, Administration, and Audit (August 2018)

Partnership Grant funds should pay for actual project expenses or directly related costs – to fund the project, but not the organization. Some programs have used individual line items to identify administrative costs. Others use an Allocated Cost Ratio, which is often based on a standardized formula; however, it is sometimes unclear how a formula-based allocation relates to the proposed activities.

- Some non-personnel costs which may be appropriately tied to the project include malpractice insurance and attorney licensing fees.
- As Partnership Grant-funded services should typically be performed primarily at or near the courthouse, which reduces the need for program space and equipment, costs allocated to these lines should be clearly justified in the budget narrative.
- Programs using formula-based allocated cost ratios must clearly explain what these comprise and how they are calculated, for purposes of Partnership grant budgeting.

Use of Partnership Funding as a Sub-grant Covering Wages of Court Staff (August 2018)

An organization receiving Partnership Grant funding is expected to be the primary service provider under that grant. However, greater efficiencies can sometimes be attained by sub-granting some of that funding to a court partner. The following considerations have been identified as relevant in determining whether to approve discretionary funding for such a request:

- The contract governing the relationship between the grant recipient organization and the court must clearly specify that grant-funded court staff will only work on project activities, not on other duties that might be assigned by the court.
- The contracted staff must follow the Guidelines for the Operation of Self-Help Centers, with particular regard to ensuring the court's neutrality as to the fact that services are being provided, the manner in which they are provided, and the persons to whom they are provided.
- The services funded would not otherwise be provided by the court, but for the Partnership Grant. The Partnership Grant shall not supplant existing funding or services.
- The project budget must include additional funding sufficient to assist litigants who do not qualify to be served with Partnership Grant funding.

- In these and all cases, the court must participate in providing feedback and in developing evaluative data. Where funding is sub-granted to the court partner for payment of court staff, this evaluative data will include information on the number of litigants using the service who do not meet the definition of “indigent” found at Business & Professions Code §6213.

Prioritization of Funding for New Projects and to Sustain Services in Rural Areas (July 2019)

Partnership Grant funding is prioritized first to support new projects, and to sustain projects serving rural areas. Other projects seeking funding beyond a 5th year will be considered for funding only after proposed awards have been identified first for all prioritized projects, and then for any proposals seeking funding for a second through fifth year. The State Bar retains discretion to waive this policy and consider proposals for funding in excess of five years under certain exceptions together with proposals seeking funding of less than six years.

Funding of Supervised Settlement Services through Partnership Grants (July 2019)

Partnership Grants may be used to support supervised settlement services to assist litigants in settling their litigation, so long as the settlement services are a component of court-based litigation and are overseen by an attorney.