



The State Bar *of California*

DATE: July 2, 2020

TO: Members, Eligibility and Budget Review Committee, Legal Services Trust Fund Commission

FROM: Doan Nguyen, Acting Program Manager
Erica Carroll, Senior Program Analyst

SUBJECT: IOLTA/EAF Eligibility and Review Issues for Grant Year 2021

EXECUTIVE SUMMARY

Interest on Lawyers' Trust Accounts (IOLTA) and Equal Access Fund (EAF) grants are awarded to approximately 100 qualified legal services projects (LSP) or support centers (SC) each year to support the provision of free civil legal aid in California to indigent persons, or in the case of SCs, the provision of legal training, technical assistance and advocacy support to LSPs. These grants must comply with criteria set forth in Business & Professions Code sections 6210-6228, State Bar Rules, and Eligibility Guidelines for Legal Services Projects and Support Centers.

The applicants this year include ninety-nine organizations that have previously received IOLTA/EAF grants and seven new organizations (i.e. organizations that have not previously applied for, or are not current recipients of, IOLTA/EAF funding). Applications by six of the seven new organizations (identified below) raise issues concerning their eligibility for IOLTA/EAF grant funding, which staff believes warrant further review. **Staff accordingly recommends that Eligibility Review Conferences be scheduled for these six organizations and seeks Eligibility and Budget Review Committee (Committee) concurrence with this recommendation.**

To receive IOLTA/EAF funding an organization must meet the "primary purpose" test. An organization is presumed to meet that test where 75 percent of its expenditures in the previous fiscal year is devoted to providing free legal services for indigent Californians (for Legal Service Projects) or for training and other services to support such projects (Support Centers).¹ Where an organization's indigent legal services or support services expenditures do not meet the 75 percent threshold but exceed 50 percent, the Commission can approve funding but independently examines the claimed expenditures to confirm they are for the purpose stated and are in a percentage sufficient to satisfy the primary purpose test. Several applicants claim indigent legal service or support expenditures in that 50 to 75 percent range. **Staff will review those organizations with the Committee and seek either a determination that the**

¹ Business and Professions Code sections 6213(a) and (b), and Rules 3.671(A) and (B) of the Rules of the State Bar.

organization meets the primary purpose test (and can be approved for funding) or a directive to conduct an Eligibility Review Conference to further assess if the organization meets the primary purpose test.

Finally, as the Committee has discussed on prior occasions, an organization need not include “pass-through” funds in its expenses in order to determine its compliance with the primary purpose test. However, the Commission is currently refining its definition of pass-through funds. **Staff recommends that pending this process the Commission approve organizations’ pass-through designations for this application cycle and seeks Committee concurrence with this recommendation.**

The purpose of this memo is to describe the issues and provide the relevant governing authorities to aid the Committee in its deliberations and recommendations. Recommendations made by the Committee will be approved by the Legal Services Trust Fund Commission. Any determinations will be subject to the Legal Services Trust Fund Commission Rule Committee’s future review process.

BACKGROUND

IOLTA and EAF grants are awarded to approximately 100 LSPs and SCs each year. These organizations provide free civil legal aid in California to indigent persons,² or legal training, legal technical assistance, and advocacy support to the organizations that directly serve indigent persons. Although IOLTA and EAF grants are separate sources of funding, there is one combined application for both IOLTA and EAF grants.

IOLTA funds are mainly generated from interest accrued on lawyers’ trust accounts while EAF funds are included in the State’s annual budget act, as part of the judicial branch budget. Business and Profession Code sections 6210-6228 (referred to here as the IOLTA statute), is the primary governing authority that defines how IOLTA funds are generated and distributed. The vast majority of EAF funds are also distributed using the IOLTA formula. IOLTA and EAF grants are both governed by the IOLTA statute, State Bar Rules, and Eligibility Guidelines for LSP and SC. An organization may apply for IOLTA and EAF funding as either an LSP or an SC.

LSPs must have a primary purpose to provide free civil legal aid to indigent individuals to be eligible for funding. LSPs may apply for funding in each county in which they provide these services. IOLTA and EAF grant amounts are based on an LSP’s qualified expenditures (the amount spent on the delivery of free civil legal aid to eligible individuals) from the previous fiscal year in each county for which it is applying for funding. In addition, if an LSP’s primary purpose is the delivery of these services through pro bono volunteers, it may apply for an additional pro bono allocation for those counties.

² Per the IOLTA statute, an “indigent person” is an individual 1) whose income is not higher than 125 percent of the federal poverty threshold, or 2) eligible for Supplemental Security Income or free services under the Older Americans Act (seniors 60+) or Developmentally Disabled Assistance Act (Business & Professions Code section 6213(d)).

SCs must have a primary purpose to provide support services to LSPs and the broader legal aid community statewide to be eligible for funding. SCs apply for IOLTA and EAF grants on a statewide basis. The total amount of IOLTA and EAF funds available for distribution to SCs each year is determined by the IOLTA formula. That total amount available is then split equally amongst all eligible SCs.

Grant Year 2021 Application Process

OA&I received 106 applications for IOLTA/EAF funding for grant year 2021. There are 99 renewal applications and seven new applications for funding. Eighty-four applicants are seeking funding as LSPs and 22 as SCs. See Attachment A for list of IOLTA/EAF funding applicants for grant year 2021.

IOLTA/EAF funding applications were due on June 15, 2020 at 5 p.m.,³ and staff is currently reviewing them. The purpose of the IOLTA and EAF application review is to determine if applicants 1) meet Primary Purpose; 2) have identified appropriate Qualified Expenditures; and 3) have adequate Quality Control. Staff completes an initial review of grant applications and presents recommendations to the Committee, which makes recommendations to the full Commission for a final determination.

The purpose of this memo is to describe the issues raised during staff review and provide the relevant governing authorities to aid the Committee in its deliberations and recommendations. If the Committee decides it requires further review of an organization in order to determine eligibility, an Eligibility Review Conference may be called. Committee recommendations, including funding recommendations, will be submitted to the full Legal Services Trust Fund Commission for approval at its August 14 meeting. Any policy determinations will be subject to the Rule Committee's review of overall grant review processes and procedures.

DISCUSSION

After initial review, OA&I staff presents the following three issues for the Committee's consideration and recommendation: (1) eligibility of seven new applicants for IOLTA/EAF funding; (2) whether organizations with qualified expenditures that fall below the 75 percent primary purpose test/presumption are eligible for funding; and (3) whether to accept several organizations' designation of certain expenditures as pass-through funds. Staff recommendations are provided; in some instances, staff is still working with organizations to gather more information, and a recommendation will be provided at the meeting.

A. New Applicants

OA&I received seven new applicants for IOLTA/EAF funding in 2021, and all seven applicants are applying as a LSP. Please see Attachment C for their profile sheets.

³ Due to COVID-19 and the shelter-in-place orders throughout the State, the IOLTA/EAF due date was extended from May 15 to June 15, 2020.

1. Community Lawyers, Inc. (CLI)

CLI utilizes pro bono volunteers to provide legal assistance to underserved clients in Los Angeles on issues such as family law, landlord-tenant law, tax preparation, bankruptcy and debt relief, immigration, and expungement of criminal records. Attorney and law student volunteers enable CLI to annually assist more 2,000 individuals and nonprofit organizations.

As discussed above, to be determined as a QLSP, an organization must have a primary purpose to provide free civil legal aid in California to indigent individuals. Even though CLI reported 100 percent of their expenditures in the previous fiscal year as qualifying, after a preliminary review of its application, staff has identified some work that may be non-qualifying. For example, CLI's Pro Bono Attorney Project appears to support law practice management and business development rather than the provision of civil legal aid. It is also unclear whether CLI's Lawyer Referral Service refers clients to paid attorneys and would thus be non-qualifying. Staff is in the process of following up with CLI to gather more information about these activities and to determine whether the organization will still meet the primary purpose requirement once the necessary deductions are made.

In addition, and as discussed at the June 26 Committee meeting, CLI submitted a document entitled, "Financial Review for 2019 & 2020," that does not appear to be a financial review conducted by an independent CPA (as required by State Bar Rule 3.680(E)(1) and Eligibility Guidelines for LSP 2.7.1). The Committee approved CLI's extension request to August 1, 2020 to submit a financial review conducted by an independent CPA.

Staff Recommendation for CLI

Staff recommends an Eligibility Review Conference for CLI to determine whether it meets the primary purpose requirement, has accurately reported qualified expenditures in the previous fiscal year, and has submitted the correct financial review conducted by an independent CPA.

2. East Bay Family Defenders (EBFD)

Since September 1, 2018, EBFD, has provided free, court-appointed legal representation to parents and children in dependency proceedings before the Alameda County Superior Court. EBFD attorneys work in an integrated manner with social workers and peer parent advocates to deliver legal representation. In its first year, EBFD served 2,000 clients and closed 800 cases.

To be determined as a QLSP, an organization must have a primary purpose to provide free civil legal aid in California to indigent individuals. While EBFD's application notes that it will be revising its intake process to screen for 125 percent of the federal poverty level going forward, it is NOT currently conducting income screening. (Its current intake form asks for income source and housing status as a means to estimate indigence.)

For purposes of its primary purpose calculation, EBFD looked to Dependency Advocacy Center (DAC) in Santa Clara County, a similar size dependency jurisdiction with the same court-

appointed legal representation mandate and a similar representation model. DAC is currently an IOLTA-funded organization. Following DAC's "model," EBFD estimated that approximately 15 percent of the clients served would not qualify as indigent as defined by the IOLTA statute, without providing statistical or other information specific to the organization to justify this estimate. Accordingly, EBFD only deducted 15 percent of its attorney salaries as non-qualifying, yielding its 97.79 percent qualified expenditures percentage.

In addition, EBFD employs a full-time licensed clinical social worker and two senior parent advocates to assist "a small segment of [its] clients" in support of its legal representation. It is unclear how much of EBFD's social services work is tied to actual legal outcomes and would be considered qualifying.

Staff Recommendation for EBFD

Staff recommends an Eligibility Review Conference for EBFD in order to determine whether it meets the primary purpose requirement and has accurately reported qualified expenditures in the previous fiscal year.

3. Housing Rights Center (HRC)

HRC is a first-time applicant as a legal services project operating in Los Angeles and Ventura Counties. HRC describes itself as "California's largest non-profit civil rights organization dedicated to securing the right to equal access in housing" and provides services in the following four areas: (1) Housing Discrimination Complaint Investigation, (2) Fair Housing Landlord/Tenant Counseling, (3) Education and Outreach, and (4) Fair Housing Legal Services. It appears that most of its services center on education and lower-level interventions to enable tenants to assist themselves prior to pursuing litigation, and its primary source of funding is through Community Development Block Grants (CDBG).

Several forms within the application were incomplete upon submission, such that staff was unable to determine the amount and percentage of qualified expenditures devoted to free legal services to indigent persons in California. Staff contacted HRC twice, and an updated application was submitted on June 22 and again on June 29, but staff believes the application still lacks necessary information.

No deductions were made from HRC's qualified expenditures, though the organization serves individuals with incomes above the eligibility threshold outlined in Business and Professions Code section 6213(d) and offers services that may not qualify as legal in nature. It is unclear whether the program has the means to separate out expenditures for legal work versus other programs. It also failed to provide an accounting of its expenditures in the two counties it serves. Of a staff of 30, approximately four employees comprise the litigation department, and the application lacks detail as to the supervision of legal work, whether performed within the litigation department or by other staff. Staff will continue to dialogue with HRC to obtain answers to some of these outstanding questions prior to the Committee's meeting.

Staff Recommendation for HRC

Staff recommends an Eligibility Review Conference for HRC to determine whether it meets the primary purpose requirement, has accurately reported qualified expenditures in the previous fiscal year, and has appropriate mechanisms for determining income eligibility for services and maintaining quality control.

4. Kids in Need of Defense (KIND)

Founded in 2008, KIND is a national organization that provides pro bono legal representation for refugee and migrant children. In order to address the multi-faceted needs of unaccompanied migrant children, KIND offers a comprehensive approach through its various programs: Social Services, Strategies and Special Programs, Regional Policy and Initiatives Policy, Policy and Advocacy, and Communications.

KIND has requested an audit extension; staff recommends approving an extension through August 1. While the expenses reported are estimates, it does not appear that KIND currently meets the 75 percent test to demonstrate primary purpose, under Business & Professions Code section 6213(a) and State Bar Rule 3.671. KIND did not provide a narrative to describe how they meet primary purpose and function by other means.

In their application, KIND deducted for non-legal services activities, including out-of-state work and leasing office space to other organizations. However, it is unclear whether the organization has fully deducted all of its out-of-state expenses. After a preliminary review of KIND's application, staff has identified some additional potentially non-qualifying work. For example, KIND has reported that they do not conduct income eligibility assessments for clients, employs two full-time social services coordinators, and maintains international offices. Staff is in the process of following up with KIND to determine if additional deductions need to be made from its total qualified expenditures.

Staff Recommendation for KIND

Staff recommends an Eligibility Review Conference for KIND in order to determine whether it meets the primary purpose requirement and has accurately reported qualified expenditures in the previous fiscal year.

5. Social Justice Collaborative

Founded in 2012, Social Justice Collaborative (SJC) provides removal (deportation) defense, represents unaccompanied minors, and pursues appellate litigation opportunities on behalf of low-income immigrants in Northern and Central California.

To be determined as a QLSP, an organization must have a primary purpose to provide free civil legal aid in California to indigent individuals. SJC does not meet the 75 percent presumption test to demonstrate primary purpose under Business & Professions Code section 6213(a) and State Bar Rule 3.671. While SJC notes in their application that additional funding over the last

several years has allowed SJC to provide more free legal services, they report only 53.44 percent in qualifying expenditures. For its low-income clients that do not meet the eligibility guidelines of current grants, SJC charges 20 percent or less of the market rate to provide full scope representation. This revenue accounts for the majority of SJC's non-qualifying work. SJC also deducted a small amount for limited scope expungement services.

While SJC deducted for non-qualifying legal services, staff has identified other potential non-qualifying work. For example, SJC reported that they engage in non-legal work including food stamps clinics in partnership with Alameda County Food Bank and mental health referrals. Staff is in the process of following up with SJC to determine if additional deductions need to be made from its total qualified expenditures.

Staff Recommendation for SJC

Staff recommends an Eligibility Review Conference for SJC to determine whether it meets the primary purpose requirement and has accurately reported qualified expenditures in the previous fiscal year.

6. UnCommon Law (UCLaw)

UCLaw was incorporated in 2012 to provide comprehensive legal advocacy for people experiencing long-term incarceration. Services include representing people in parole hearings, providing parole consultations and resources, engaging in litigation and public policy advocacy, and providing public education to address systemic discrimination in the criminal justice system.

It appears that a majority of UCLaw's work pertains to parole services. It is unlikely that parole work would be considered services provided in a civil matter as contemplated by Business and Professions Code section 6210. This may call into question whether the organization meets the primary purpose requirement.⁴ It is also unclear whether UCLaw's leadership training activities are qualified legal services.

Staff Recommendation for UCLaw

Staff recommends an Eligibility Review Conference for UCLaw in order to determine whether its parole work is qualifying, it has accurately reported qualified expenditures, and it meets the primary purpose requirement.

7. USC Gould School of Law Immigration Clinic (USCGould)

USCGould has applied for eligibility under Business & Professions Code section 6214.5 as a "law school program" that meets the definition of a QLSP. This clinical program has been operating

⁴ If the organization meets the primary purpose requirement and is found eligible for funding, Business and Professions Code section 6223(b) would prohibit the use of IOLTA funds for any non-qualifying work, including "the provision of legal assistance with respect to any criminal proceeding."

since 2001, and is a previous recipient of State Bar grants, most recently in 2012. Its mission is to teach second- and third-year law students to practice immigration law and to provide free legal representation to vulnerable persons who would otherwise not be represented. Clients include non-citizens who are under removal proceedings and in ICE detention facilities; non-detained clients who are under removal proceedings and seeking benefits from USCIS; and detained non-citizens on appeals to the US Court of Appeals for the 9th Circuit and on habeas petitions challenging bond denials or bond conditions set by immigration judges. Other focus areas include U crime victim visa applications and VAWA self-petitions for permanent resident status.

All applicants for State Bar grants must provide an independent fiscal audit or financial review as part of its application, to confirm the expenditure figures cited in the application. Law school clinical programs are not separately incorporated, so longstanding office practice requires these organizations to satisfy the audit requirement by providing independently audited or reviewed materials that confirm the expenditures cited in the application, and not just the expenditures of the law school as a whole. USC Gould has provided an independent audit of the law school as a whole, and internally-generated schedules regarding the clinical program's activities. The organization is working with its auditors to locate additional materials sufficient to meet the "independent audit or review" requirement.

Staff Recommendation for USC Gould

Staff recommends that USC Gould be granted an extension to produce an independently audited confirmation of the law school clinic by August 1, 2020, and to be found eligible if it does so. If USC Gould is unable to submit the required audit, staff does not recommend finding the applicant eligible for IOLTA and EAF funding in 2021.

B. Primary Purpose

Business and Professions Code section 6213(a) requires a QLSP to have as its "primary purpose and function providing legal services without charge to indigent persons." Business and Professions Code section 6213(a) requires Support Centers to have as its "primary purpose and function the provision of legal training, legal technical assistance, or advocacy support without charge and which actually provides through an office in California a significant level of legal training, legal technical assistance or advocacy support without charge to qualified legal services projects on a statewide basis in California."

Furthermore, State Bar Rules 3.671(A) and 3.671(B) state that a QLSP and Support Center is presumed to have such a purpose and function if 75 percent or more of its expenditures for the most recent reporting year is designated to provide free legal services to indigents and support services respectively. State Bar Rule 3.671(C) allows an applicant that does not meet the 75 percent presumption to demonstrate it meets the primary purpose and function "by other means." Applicants provided a narrative in the application to demonstrate how they meet primary purpose and function by other means. Office practice has been to deem organizations with qualified expenditures at or above the 75 percent threshold as having met the primary

purpose requirement while those falling below 75 percent are elevated to this Committee for further review.

The following seven QLSP applicants reported qualified expenditures that fall below the 75 percent presumption for primary purpose or incorrectly completed its grant application. If a narrative response was included, it is listed in Attachment D.

1. Eviction Defense Collaborative: 72 percent
2. Family Violence Law Center: 70 percent
3. Legal Assistance for Seniors: 66 percent
4. Social Justice Collaborative: 53 percent
5. Kids in Need of Defense: inconclusive since qualified expenditures were reported incorrectly
6. Family Legal Assistance at CHOC Children's: Blank
7. Housing Rights Center: Percent not calculated, no narrative response

Staff will provide a verbal update regarding these applications at this Committee's July 10 meeting and will recommend that the Committee either find the organizations eligible for funding or schedule an Eligibility Review Conference to determine eligibility.

C. Pass-through Funds

The "qualified expenditures" used to calculate the 75 percent presumption test for primary purpose exclude any expenses related to non-legal activities, criminal matters, fee-generating cases, non-indigent clients, and expenses incurred outside of California for LSPs, and any expenses related to non-support services for Support Centers. An expense item that can potentially impact the primary purpose calculation is pass-through funds. In 2018, staff redesigned the application and added the following language to the 2019 IOLTA/EAF Application Instructions (page 5 for qualified LSPs and page 6 for Support Centers):

Pass-through/Fiscal Sponsorship: This section has been created in response to concerns that pass-through funds should be considered outside of the primary purpose calculation. In this section, identify funds that are passed through from the applicant to another organization, for which the applicant has no involvement, oversight, or engagement in the execution of the funded work (e.g. program simply cuts a check to another organization but is not involved in decision-making and does not have oversight responsibilities, or involvement is limited to selecting a sub-grantee but program does not participate in decision-making or oversight beyond that). The Commission will make a determination whether what is reported conforms to statutory and State Bar requirements, and may seek additional information from the applicant to make a final determination.

Prior to the inclusion of this additional language and the implementation of this new procedure to discretely capture pass-through funds, pass-through funds were inconsistently reported by applicants, if at all. And when reported, they were often reported in different parts of the application like contract services and “other” expenses, which resulted in more organizations falling below the 75 percent primary purpose threshold. In order to reduce the number of organizations needing to be elevated to the Committee for additional review and approval of their applications, staff began treating pass-through funds as outside of the initial primary purpose calculation.

The treatment of pass-through funds and its impact on the primary purpose calculation emerged as an issue during the review of an organization’s 2020 IOLTA/EAF grant application, where the applicant provided a very broad reading of the pass-through language. As a consequence, staff recommended at the Commission’s March 27, 2020 meeting to revise the definition of pass-through to align with the more typical interpretation of the term, which considers pass-through funds as funds that the organization receives from another entity and passes through to another entity without any role in determining WHO receives or HOW the funds are spent. Generally, pass-through transactions are used when organizations subcontract with other organizations or provide direct funds (such as monetary grants) to other organizations. The purpose of capturing this data is to prevent organizations from unfairly recognizing these funds as qualified expenditures for legal services or “double counting” the same funds with other organizations.

The Commission did not adopt staff’s recommendation at the March 27 meeting and instead expressed a desire to maintain the status quo until the Rules Committee had an opportunity to examine the issue. As such, the above definition of pass-through remains in the 2021 IOLTA/EAF application. Applicants were not required to describe the nature of the pass-through funds, nor were they required to explain why the funds should be considered pass-through.

Twenty-one applicants listed pass-through funds in their applications ranging from less than one percent to 55 percent of their corporate expenses in 2019. Attachment E lists organizations that reported pass-through funds in their application.

Staff Recommendation for Pass-through Funds

Given the existing broad definition of pass-through funds and the limited information offered in this section of the application, staff recommends accepting the amounts reported without requiring additional information in order to confirm if the definition of pass-through was correctly applied. However, staff reiterates its recommendation to revisit this question through the codification process.

ATTACHMENTS LIST

- A.** IOLTA/EAF Applicants for Grant Year 2021
- B.** Excerpts from Governing Authorities: Business and Professions Code sections 6210, 6213, 6216 and 6223 (IOLTA Statute); Rules of the State Bar of California, Rules 3.671 and 3.680
- C.** New Applicant Profile Sheets
- D.** Narrative Responses from Applicants Regarding Primary Purpose and Function Requirement
- E.** Applications Reporting Pass-Through Funds

2021 IOLTA & EAF Applicants		
Legal Services Projects	Note	Apply for Pro Bono
Advancing Justice - Asian Law Caucus		
Affordable Housing Advocates		
Aids Legal Referral Panel		
Alameda County Homeless Action Center		
Alliance for Children's Rights		Yes
Asian Americans Advancing Justice- - Los Angeles		
Asian Pacific Islander Legal Outreach		
Bay Area Legal Aid		
Bet Tzedek Legal Services		Yes
California Indian Legal Services		
California Rural Legal Assistance, Inc.		
Casa Cornelia Law Center		Yes
Central California Legal Services		
Centro Legal de la Raza		
Chapman University Family Protection Clinic		
Community Lawyers Inc.	NEW	Yes
Community Legal Aid SoCal		
Community Legal Services in East Palo Alto		Yes
Contra Costa Senior Legal Services		
Dependency Advocacy Center		
Disability Rights California		
Disability Rights Legal Center		Yes
East Bay Community Law Center		
East Bay Family Defenders	NEW	
Elder Law & Advocacy		
Eviction Defense Collaborative		
Family Legal Assistance at CHOC Children's		
Family Violence Law Center		
Greater Bakersfield Legal Assistance		
Harriett Buhai Center for Family Law		Yes
HEART L.A.		
Housing and Economic Rights Advocates		
Housing Rights Center	NEW	
Inland Counties Legal Services		
Inland Empire Latino Lawyers Association, Inc.		Yes
Inner City Law Center		
Justice & Diversity Center of the Bar Association of San Francisco		Yes
Kids in Need of Defense	NEW	
La Raza Centro Legal		
LACBA Counsel for Justice		Yes
Law Foundation of Silicon Valley		
Lawyers' Committee for Civil Rights		Yes

Learning Rights Law Center		
Legal Access Alameda		Yes
Legal Aid at Work		
Legal Aid Foundation of Los Angeles		
Legal Aid Foundation of Santa Barbara County		
Legal Aid of Marin		Yes
Legal Aid of Sonoma County		Yes
Legal Aid Society of San Bernardino		Yes
Legal Aid Society of San Diego		
Legal Aid Society of San Mateo County		
Legal Assistance for Seniors		
Legal Assistance to the Elderly		
Legal Services for Children		
Legal Services for Seniors		
Legal Services of Northern California		
Los Angeles Center for Law and Justice		
McGeorge Community Legal Services		
Mental Health Advocacy Services		
Neighborhood Legal Services		
Prison Law Office		
Public Advocates Inc.		
Public Counsel		Yes
Public Law Center		Yes
Riverside Legal Aid		Yes
San Diego Volunteer Lawyer Program		Yes
San Joaquin College of Law		
San Luis Obispo Legal Assistance Foundation		
Santa Clara County Asian Law Alliance		
Santa Clara University Alexander Law Center		
Senior Adults Legal Assistance		
Senior Advocacy Network		
Senior Citizens Legal Services		
Social Justice Collaborative	NEW	
UC Davis School of Law Legal Clinics		
UnCommon Law	NEW	
USC Gould School of Law Immigration Clinic	NEW	
USD School of Law Legal Clinics		
Veterans Legal Institute		Yes
Voluntary Legal Services Program of Northern California		Yes
Wage Justice Center		
Watsonville Law Center		
Yuba-Sutter Legal Center for Seniors		

Support Centers	Note
California Advocates for Nursing Home Reform	
California Rural Legal Assistance Foundation	
California Women's Law Center	
Center for Gender and Refugee Studies - California	
Center for Human Rights and Constitutional Law	
Child Care Law Center	
Coalition of California Welfare Rights Organizations	
Disability Rights Education and Defense Fund	
Family Violence Appellate Project	Deeming
Immigrant Legal Resource Center	
Impact Fund	Deeming
Justice in Aging	
Legal Services for Prisoners with Children	Deeming
National Center for Youth Law	
National Health Law Program	
National Housing Law Project	
National Immigration Law Center	Deeming
OneJustice	
Public Interest Law Project	
Western Center on Law and Poverty	
Worksafe, Inc.	
Youth Law Center	

Attachment B: Text of Governing Authorities: Business and Professions Code sections 6210, 6213, 6214.5, 6216, and 6223; State Bar Rules 3.671 and 3.680

California Business and Professions Code section 6210

The Legislature finds that, due to insufficient funding, existing programs providing free legal services in civil matters to indigent persons, especially underserved client groups, such as the elderly, the disabled, juveniles, and non-English-speaking persons, do not adequately meet the needs of these persons. It is the purpose of this article to expand the availability and improve the quality of existing free legal services in civil matters to indigent persons, and to initiate new programs that will provide services to them. The Legislature finds that the use of funds collected by the State Bar pursuant to this article for these purposes is in the public interest, is a proper use of the funds, and is consistent with essential public and governmental purposes in the judicial branch of government. The Legislature further finds that the expansion, improvement, and initiation of legal services to indigent persons will aid in the advancement of the science of jurisprudence and the improvement of the administration of justice.

California Business and Professions Code section 6213

As used in this article:

(a) "Qualified legal services project" means either of the following:

(1) A nonprofit project incorporated and operated exclusively in California that provides as its primary purpose and function legal services without charge to indigent persons and that has quality control procedures approved by the State Bar of California.

(2) A program operated exclusively in California by a nonprofit law school accredited by the State Bar of California that meets the requirements of subparagraphs (A) and (B).

(A) The program shall have operated for at least two years at a cost of at least twenty thousand dollars (\$20,000) per year as an identifiable law school unit with a primary purpose and function of providing legal services without charge to indigent persons.

(B) The program shall have quality control procedures approved by the State Bar of California.

(b) "Qualified support center" means an incorporated nonprofit legal services center that has as its primary purpose and function the provision of legal training, legal technical assistance, or advocacy support without charge and which actually provides through an office in California a significant level of legal training, legal technical assistance, or advocacy support without charge to qualified legal services projects on a statewide basis in California.

(c) "Recipient" means a qualified legal services project or support center receiving financial assistance under this article.

(d) "Indigent person" means a person whose income is (1) 125 percent or less of the current poverty threshold established by the United States Office of Management and Budget, or (2) who is eligible for Supplemental Security Income or free services under the Older Americans Act or Developmentally Disabled Assistance Act. With regard to a project that provides free services of attorneys in private practice without compensation, "indigent person" also means a person whose income is 75 percent or less of the maximum levels of income for lower income households as defined in Section 50079.5 of the Health and Safety Code. For the purpose of this subdivision, the income of a person who is disabled shall be determined after deducting the costs of medical and other disability-related special expenses.

(e) "Fee generating case" means a case or matter that, if undertaken on behalf of an indigent person by an attorney in private practice, reasonably may be expected to result in payment of a fee for legal services from an award to a client, from public funds, or from the opposing party. A case shall not be considered fee generating if adequate representation is unavailable and any of the following circumstances exist:

(1) The recipient has determined that free referral is not possible because of any of the following reasons:

(A) The case has been rejected by the local lawyer referral service, or if there is no such service, by two attorneys in private practice who have experience in the subject matter of the case.

(B) Neither the referral service nor any attorney will consider the case without payment of a consultation fee.

(C) The case is of the type that attorneys in private practice in the area ordinarily do not accept, or do not accept without prepayment of a fee.

(D) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.

(2) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims.

(3) A court has appointed a recipient or an employee of a recipient pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction.

(4) The case involves the rights of a claimant under a publicly supported benefit program for which entitlement to benefit is based on need.

(f) “Legal Services Corporation” means the Legal Services Corporation established under the Legal Services Corporation Act of 1974 (P.L. 93-355; 42 U.S.C. Sec. 2996 et seq.).

(g) “Older Americans Act” means the Older Americans Act of 1965, as amended (P.L. 89-73; 42 U.S.C. Sec. 3001 et seq.).

(h) “Developmentally Disabled Assistance Act” means the Developmentally Disabled Assistance and Bill of Rights Act, as amended (P.L. 94-103; 42 U.S.C. Sec. 6001 et seq.).

(i) “Supplemental security income recipient” means an individual receiving or eligible to receive payments under Title XVI of the federal Social Security Act, or payments under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(j) “IOLTA account” means an account or investment product established and maintained pursuant to subdivision (a) of Section 6211 that is any of the following:

(1) An interest-bearing checking account.

(2) An investment sweep product that is a daily (overnight) financial institution repurchase agreement or an open-end money market fund.

(3) An investment product authorized by California Supreme Court rule or order.

A daily financial institution repurchase agreement shall be fully collateralized by United States Government Securities or other comparably conservative debt securities, and may be established only with any eligible institution that is “well-capitalized” or “adequately capitalized” as those terms are defined by applicable federal statutes and regulations. An open-end money market fund shall be invested solely in United States Government Securities or repurchase agreements fully collateralized by United States Government Securities or other comparably conservative debt securities, shall hold itself out as a “money market fund” as that term is defined by federal statutes and regulations under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.), and, at the time of the investment, shall have total assets of at least two hundred fifty million dollars (\$250,000,000).

(k) “Eligible institution” means either of the following:

(1) A bank, savings and loan, or other financial institution regulated by a federal or state agency that pays interest or dividends in the IOLTA account and carries deposit insurance from an agency of the federal government.

(2) Any other type of financial institution authorized by the California Supreme Court.

California Business and Professions Code section 6214.5

A law school program that meets the definition of a “qualified legal services project” as defined in paragraph (2) of subdivision (a) of Section 6213, and that applied to the State Bar for funding under this article not later than February 17, 1984, shall be deemed eligible for all distributions of funds made under Section 6216.

California Business and Professions Code section 6216

The State Bar shall distribute all moneys received under the program established by this article for the provision of civil legal services to indigent persons. The funds first shall be distributed 18 months from the effective date of this article, or upon such a date, as shall be determined by the State Bar, that adequate funds are available to initiate the program. Thereafter, the funds shall be distributed on an annual basis. All distributions of funds shall be made in the following order and in the following manner:

(a) To pay the actual administrative costs of the program, including any costs incurred after the adoption of this article and a reasonable reserve therefor.

(b) Eighty-five percent of the funds remaining after payment of administrative costs allocated pursuant to this article shall be distributed to qualified legal services projects. Distribution shall be by a pro rata county-by-county formula based upon the number of persons whose income is 125 percent or less of the current poverty threshold per county. For the purposes of this section, the source of data identifying the number of persons per county shall be the latest available figures from the United States Department of Commerce, Bureau of the Census. Projects from more than one county may pool their funds to operate a joint, multicounty legal services project serving each of their respective counties.

(1) (A) In any county which is served by more than one qualified legal services project, the State Bar shall distribute funds for the county to those projects which apply on a pro rata basis, based upon the amount of their total budget expended in the prior year for legal services in that county as compared to the total expended in the prior year for legal services by all qualified legal services projects applying therefor in the county. In determining the amount of funds to be allocated to a qualified legal services project specified in paragraph (2) of subdivision (a) of Section 6213, the State Bar shall recognize only expenditures attributable to the representation of indigent persons as constituting the budget of the program.

(B) The State Bar shall reserve 10 percent of the funds allocated to the county for distribution to programs meeting the standards of subparagraph (A) of paragraph (3) and paragraphs (1) and (2) of subdivision (b) of Section 6214 and which perform the services described in subparagraph (A) of paragraph (3) of Section 6214 as their principal means of delivering legal services. The State Bar shall distribute the funds for that county to those programs which apply on a pro rata basis, based upon the amount

of their total budget expended for free legal services in that county as compared to the total expended for free legal services by all programs meeting the standards of subparagraph (A) of paragraph (3) and paragraphs (1) and (2) of subdivision (b) of Section 6214 in that county. The State Bar shall distribute any funds for which no program has qualified pursuant hereto, in accordance with the provisions of subparagraph (A) of paragraph (1) of this subdivision.

(2) In any county in which there is no qualified legal services projects providing services, the State Bar shall reserve for the remainder of the fiscal year for distribution the pro rata share of funds as provided for by this article. Upon application of a qualified legal services project proposing to provide legal services to the indigent of the county, the State Bar shall distribute the funds to the project. Any funds not so distributed shall be added to the funds to be distributed the following year.

(c) Fifteen percent of the funds remaining after payment of administrative costs allocated for the purposes of this article shall be distributed equally by the State Bar to qualified support centers which apply for the funds. The funds provided to support centers shall be used only for the provision of legal services within California. Qualified support centers that receive funds to provide services to qualified legal services projects from sources other than this article, shall submit and shall have approved by the State Bar a plan assuring that the services funded under this article are in addition to those already funded for qualified legal services projects by other sources.

California Business and Professions Code section 6223

No funds allocated by the State Bar pursuant to this article shall be used for any of the following purposes:

(a) The provision of legal assistance with respect to any fee generating case, except in accordance with guidelines which shall be promulgated by the State Bar.

(b) The provision of legal assistance with respect to any criminal proceeding.

(c) The provision of legal assistance, except to indigent persons or except to provide support services to qualified legal services projects as defined by this article.

State Bar Rule 3.671: Primary purpose and function

(A) A qualified legal services project is required by statute to have as its primary purpose and function providing legal services without charge to indigent persons. A qualified legal services project applying for Trust Fund Program funds is presumed to have such a purpose and function if 75% or more of the budget for the fiscal year for which it is seeking funds is designated to provide free legal services to indigents, and 75% or more of its expenditures for the most recent reporting year were incurred for such services.

The calculation of 75% of expenditures may include a reasonable share of administrative and overhead expenses.

- (B) A qualified support center is required by statute to have as its primary purpose and function the provision of legal training, legal technical assistance, or advocacy support without charge.⁵ A qualified support center applying for funds is presumed to have such a primary purpose and function if 75% or more of its budget for the fiscal year for which it is seeking funds is designated to provide such support services, and 75% or more of its expenditures for the most recent reporting year were incurred for such services.
- (C) A qualified legal services project or qualified support center that does not meet the 75% test may nevertheless apply, provided that the applicant can satisfactorily demonstrate that it meets the primary purpose and function requirement by other means.

State Bar Rule 3.680: Application for Trust Fund Program grants

To be considered for a Trust Fund Program grant, a qualified legal services project or qualified support center seeking a Trust Fund Program grant must submit a timely and complete application for funding in the manner prescribed by the Commission. The applicant must agree to use any grant in accordance with grant terms and legal requirements.

- (A) A qualified legal services project must meet statutory criteria.
- (B) A qualified support center must agree to offer support services in two or more of the following ways: consultation, representation, information services, and training. The board of directors of the support center must establish priorities for providing such services after consulting with legal services attorneys and other relevant stakeholders.
- (C) A support center not in existence prior to December 31, 1980 must demonstrate that it is deemed to be of special need by a majority of qualified legal services projects in accordance with Trust Fund Program procedures. Upon request, the Commission must make available to the applicant a list of all the names and addresses of qualified legal services projects.
- (D) A nonprofit corporation that believes it meets the criteria for a qualified legal services project and qualified support center may submit two applications, one as a project and one as a support center, indicating in each application whether it is to be considered the primary or secondary application. The Commission will consider the secondary application only if the primary application is not approved. No applicant may receive a grant as a qualified legal services project and as a qualified support center.
- (E) An application must include

- (1) an audited financial statement by an independent certified public accountant for the fiscal year that concluded during the prior calendar year. A financial review in lieu of an audited financial statement may be submitted by an applicant whose gross corporate expenditures were less than the amount specified in the Schedule of Charges and Deadlines; 10 Business & Professions Code § 6223. 5
- (2) information about the maintenance of quality service and professional standards and how the applicant maintains standards, such as internal quality control and review procedures; experience and educational requirements of attorneys and paralegals; supervisory structure, procedures, and responsibilities; job descriptions and current salaries for all filled and unfilled professional and management positions; and fiscal controls and procedures.
- (3) a budget and budget narrative, which must be submitted within thirty days of receipt of a notice of tentative allocation, explaining how funds will be used to provide civil legal services to indigent persons, especially underserved client groups such as, the elderly, the disabled, juveniles, and non-English-speaking persons within the applicant's service area; and
- (4) information about program activities, such as substantive practice areas, extent and complexity of services, a summary of litigation, and populations served.

2021 IOLTA & EAF Applicant Profile

Organization Name:	Community Lawyers Inc.
Grant Type:	Legal Services Project
Date Incorporated:	05/13/2005
First Year TFP Funded:	New Program
Application Reviewer:	Christine Holmes

Eligibility Criteria

Applying for:	Initial Funding or Returning Applicant not Currently Funded as a Legal Services Project
Applicant type:	A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function. An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program
Applying for Pro Bono:	Yes
Organization's Mission & Vision	<p>Community Lawyers, Inc. provides low-income people access to affordable legal services and develops innovative opportunities for attorneys and law students in underserved communities.</p> <p>Purpose as stated in Bylaws: This Corporation is a California public benefit corporation and is not organized for the private gain of any person. The Corporation provides underserved and low or no income community members access to legal programs, affordable pro-bono legal services and community advocacy and engagement. The Corporation is not established for the purpose of providing funds to supplemental law firm salaries, wages and employee benefits.</p> <p>Through a pro bono model that leverages the talents and dedication of thousands of attorney and law student volunteers, Community Lawyers Inc. annually assists more than 2,000 individuals and nonprofit organizations and addresses systemic poverty and civil rights issues through education and legal self-help.</p>
Primary Purpose %:	100.00%
Qualifying Legal Services Activities:	Community legal education and information; Limited services; Legal self-help support; Other legal services
Other Activities:	
County Served	<ul style="list-style-type: none"> Los Angeles

Funding Summary:	Individual Contributions: \$91,000 Organizations: \$22,000 Foundations: \$90,000 LSC/AAA: \$0 Government Resources: \$20,000 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$3,640 Other: \$0 Total: \$226,640
Corporate Expenditure Summary:	Personnel: \$84,899 Non-Personnel: \$81,810 Total: \$166,709
Staffing (total FTEs):	Attorneys: 0 Paralegals: 0 Law Students: 0 Professional Services: 0 Clerical/Admin: 0 Other Personnel: 1.5 Vacant Positions: 0 Total: 1.5

2021 IOLTA & EAF Applicant Profile

Organization Name:	East Bay Family Defenders
Grant Type:	Legal Services Project
Date Incorporated:	12/29/2017
First Year TFP Funded:	New Program
Application Reviewer:	Greg Shin

Eligibility Criteria

Applying for:	Initial Funding or Returning Applicant not Currently Funded as a Legal Services Project
Applicant type:	A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function. An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program
Special Client Groups:	<ul style="list-style-type: none"> • Indigent Parents Involved in the Child Welfare System/Juvenile Dependency Law • Children Involved in the Child Welfare System/Juvenile Dependency Law • Indigent Parents and Children who are Non-English Speaking and Involved in the Child Welfare System/Juvenile Dependency Law • Undocumented Indigent Parents and Children Involved in the Child Welfare System/Juvenile Dependency Law • Incarcerated Parents Involved in the Child Welfare System/Juvenile Dependency Law
Applying for Pro Bono:	No
Organization's Mission & Vision	East Bay Family Defenders' mission is to keep families together and minimize the time children spend in foster care. We build collective power and amplify parents' voice in decisions affecting their families; we are interdisciplinary, addressing the root causes that lead to system involvement; and we are connected to the community. EBFD is founded on the premise that strong, interdisciplinary family defense is the most potent means of interrupting intergenerational cycles of foster care that harm children, their families, and their communities.
Primary Purpose %:	97.79%
Qualifying Legal Services Activities:	Representation
Other Activities:	Provided to non-indigent clients/non-qualified organizations
County Served	<ul style="list-style-type: none"> • Alameda

Funding Summary:	Individual Contributions: \$33,730 Organizations: \$0 Foundations: \$276,730 LSC/AAA: \$0 Government Resources: \$1,733,891 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$0 Other: \$0 Total: \$2,044,351
Corporate Expenditure Summary:	Personnel: \$1,509,200 Non-Personnel: \$408,625 Total: \$1,917,825
Staffing (total FTEs):	Attorneys: 11 Paralegals: 0 Law Students: 0 Professional Services: 2 Clerical/Admin: 1 Other Personnel: 3 Vacant Positions: 0 Total: 17

2021 IOLTA & EAF Applicant Profile

Organization Name:	Housing Rights Center
Grant Type:	Legal Services Project
Date Incorporated:	01/01/1968
First Year TFP Funded:	New Program
Application Reviewer:	Erica Carroll

Eligibility Criteria

Applying for:	Initial Funding or Returning Applicant not Currently Funded as a Legal Services Project
Applicant type:	A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function. A direct recipient of Legal Services Corporation funding
Applying for Pro Bono:	No
Organization's Mission & Vision	The Housing Rights Center is California's largest non-profit civil rights organization dedicated to securing the right to equal access in housing. The Housing Rights Center's ("HRC") mission is to actively support and promote fair housing through education and advocacy, to the end that all persons have the opportunity to secure the housing they desire and can afford, without discrimination based on their race, color, religion, gender, sexual orientation, national origin, familial status, marital status, disability, ancestry, age, source of income, or other characteristics protected by law.
Primary Purpose %:	0.00%
Qualifying Legal Services Activities:	Representation
Other Activities:	
2 Counties Served:	<ul style="list-style-type: none"> • Los Angeles • Ventura
Funding Summary:	Individual Contributions: \$2,619,463 Organizations: \$0 Foundations: \$0 LSC/AAA: \$0 Government Resources: \$0 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$0 Other: \$0 Total: \$2,619,463

Corporate Expenditure Summary:	Personnel: \$1,542,357 Non-Personnel: \$442,479 Total: \$1,984,836
Staffing (total FTEs):	Attorneys: 2 Paralegals: 1 Law Students: 0 Professional Services: 6 Clerical/Admin: 1 Other Personnel: 20 Vacant Positions: 0 Total: 30

2021 IOLTA & EAF Applicant Profile

Organization Name:	Kids in Need of Defense
Grant Type:	Legal Services Project
Date Incorporated:	05/07/2008
First Year TFP Funded:	New Program
Application Reviewer:	Christal Bundang

Eligibility Criteria

Applying for:	Initial Funding or Returning Applicant not Currently Funded as a Legal Services Project
Applicant type:	A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function. An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program
Special Client Groups:	<ul style="list-style-type: none"> Unaccompanied Immigrant Children
Applying for Pro Bono:	No
Organization's Mission & Vision	KIND's vision is a world in which children's rights and well-being are protected as they migrate alone in search of safety. To achieve this mission, KIND ensures that no child appears in immigration court without high quality legal representation; advances laws, policies, and practices that ensure children's protection and uphold their right to due process and fundamental fairness; and promotes, in countries of origin, transit, and destination, durable solutions to child migration that are grounded in the best interests of the child and ensure that no child is forced to involuntarily migrate.
Primary Purpose %:	-57.53%
Qualifying Legal Services Activities:	Community legal education and information;Representation;Legislative or policy advocacy

<p>Other Activities:</p>	<p>Other non-legal services Providing child clients with social services support reflects KIND’s trauma-informed approach to legal services and keeps the children’s cases on track. The non-legal services KIND provides include a range of comprehensive mental health, medical, and education referrals through a culturally and linguistically responsive lens. The social services coordinators in KIND’s field offices forge strategic relationships with services providers and community partners, where the partner organization also often refer their clients to KIND for legal services. However, in addition to referring clients to community partners, KIND’s social services coordinators provide direct services and crisis management for clients with pressing psycho-social, emotional, behavioral and physical needs; the social services coordinators are trained social workers and/or have years of experience working with vulnerable children. They provide mentoring and skills training, host resource fairs and other integration support, and advance a trauma-informed care model to promote healing and recovery, including play therapy for tender age children, creative arts, and expressive groups for youth. In 2019, 166 children were internally referred to the social services coordinators in Los Angeles and Fresno for social services support. In the first five months of 2020, the number of children referred for social service assistance has already reached 204 given the impact of the COVID-19 pandemic and other economic factors.</p>
<p>22 Counties Served:</p>	<p>Alameda, Contra Costa, Fresno, Kern, Kings, Los Angeles, Madera, Merced, Orange, Placer, Riverside, Sacramento, San Bernardino, San Francisco, San Joaquin, Santa Barbara, Solano, Stanislaus, Tulare, Ventura, Yolo, Yuba,</p>
<p>Funding Summary:</p>	<p>Individual Contributions: \$26,842 Organizations: \$99,250 Foundations: \$138,000 LSC/AAA: \$0 Government Resources: \$2,677,149 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$22,750 Other: \$48,485 Total: \$3,012,476</p>
<p>Corporate Expenditure Summary:</p>	<p>Personnel: \$16,376,653 Non-Personnel: \$7,284,088 Total: \$23,660,741</p>
<p>Staffing (total FTEs):</p>	<p>Attorneys: 21 Paralegals: 5 Law Students: 0 Professional Services: 2 Clerical/Admin: 3 Other Personnel: 4 Vacant Positions: 0 Total: 35</p>

2021 IOLTA & EAF Applicant Profile

Organization Name:	Social Justice Collaborative
Grant Type:	Legal Services Project
Date Incorporated:	05/08/2012
First Year TFP Funded:	New Program
Application Reviewer:	Christine Holmes

Eligibility Criteria

Applying for:	Initial Funding or Returning Applicant not Currently Funded as a Legal Services Project
Applicant type:	A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function. An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program
Special Client Groups:	<ul style="list-style-type: none"> • Immigrants • Children • Survivors of Violence
Applying for Pro Bono:	No
Organization's Mission & Vision	Social Justice Collaborative provides high quality full-scope immigration deportation defense legal services to low-income immigrants in Northern and Central California. SJC believes in promoting an inclusive society through defense of our most vulnerable members of society. SJC's vision is that all immigrants who cannot afford private attorneys in deportation proceedings will have access to high quality legal representation.
Primary Purpose %:	53.44%
Qualifying Legal Services Activities:	Limited services;Representation
Other Activities:	Provided to non-indigent clients/non-qualified organizations;Provided in non-civil matters;Fee-generating activities Landlord/property management;Fiscal agent/sponsor;Other non-legal professional services (job training, financial literacy, cash aid, etc.);Other non-legal services Routine Wraparound Service Clinics (e.g., food stamps clinics in partnership with Alameda County Food Bank); Mental Health Referrals (evaluations, therapy)

5 Counties Served:	<ul style="list-style-type: none"> • Alameda • Contra Costa • Marin • San Joaquin • Stanislaus
Funding Summary:	Individual Contributions: \$172,801 Organizations: \$16,299 Foundations: \$200,501 LSC/AAA: \$0 Government Resources: \$789,672 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$562,908 Other: \$36,736 Total: \$1,778,917
Corporate Expenditure Summary:	Personnel: \$710,389 Non-Personnel: \$501,493 Total: \$1,211,882
Staffing (total FTEs):	Attorneys: 3 Paralegals: 4 Law Students: 0 Professional Services: 0 Clerical/Admin: 6 Other Personnel: 6.5 Vacant Positions: 0 Total: 19.5

2021 IOLTA & EAF Applicant Profile

Organization Name:	UnCommon Law
Grant Type:	Legal Services Project
Date Incorporated:	08/10/2012
First Year TFP Funded:	New Program
Application Reviewer:	Dan Passamaneck

Eligibility Criteria

Applying for:	Initial Funding or Returning Applicant not Currently Funded as a Legal Services Project
Applicant type:	<p>A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function.</p> <p>An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program</p>
Special Client Groups:	<ul style="list-style-type: none"> Incarcerated people subject to discretionary parole in California
Applying for Pro Bono:	No
Organization's Mission & Vision	<p>UnCommon Law fights to ensure all people incarcerated for violent crimes have access to healing, justice, and effective legal representation.</p> <p>Through our unique, trauma-informed model of advocacy, we provide the space currently missing in the system for healing, accountability, and safe pathways home from prison. In developing new self-narratives, the people we serve are able to more effectively disrupt violence inside and outside prison, and become leaders who can change negative societal narratives about those incarcerated for violent crime. Our groundbreaking approach is changing policy and outcomes, driven by the voices and experiences of system-impacted communities.</p>
Primary Purpose %:	87.85%
Qualifying Legal Services Activities:	Community legal education and information; Legal self-help support; Representation; Legislative or policy advocacy
Other Activities:	Fee-generating activities

58 Counties Served:	Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba,
Funding Summary:	Individual Contributions: \$326,198 Organizations: \$0 Foundations: \$990,646 LSC/AAA: \$0 Government Resources: \$0 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$24,870 Other: \$0 Total: \$1,341,714
Corporate Expenditure Summary:	Personnel: \$481,110 Non-Personnel: \$179,815 Total: \$660,925
Staffing (total FTEs):	Attorneys: 3 Paralegals: 2 Law Students: 0 Professional Services: 1 Clerical/Admin: 2 Other Personnel: 2 Vacant Positions: 0 Total: 10

2021 IOLTA & EAF Applicant Profile

Organization Name:	USC Gould School of Law Immigration Clinic
Grant Type:	Legal Services Project
Date Incorporated:	11/15/1900
First Year TFP Funded:	New Program
Application Reviewer:	Dan Passamaneck

Eligibility Criteria

Applying for:	Initial Funding or Returning Applicant not Currently Funded as a Legal Services Project
Applicant type:	An identifiable unit of a law school accredited by The State Bar of California that provides civil legal services to the indigent without charge as its primary purpose and function, and has operated for at least two years at a cost of at least \$20,000 per year. An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program
Special Client Groups:	<ul style="list-style-type: none"> • Non-English speaking immigrants • LGBTQ immigrants • Seriously ill immigrant children • Detained immigrants • Immigrant survivors of trauma
Applying for Pro Bono:	No
Organization's Mission & Vision	The USC Gould Immigration Clinic's mission is to teach upper level law students in a functioning law office to practice law in general and to practice immigration law specifically and to provide free legal representation to vulnerable persons who would otherwise not be represented. This is accomplished through two teaching clinics and two direct service projects. The students enrolled in the Removal Defense Clinic (a year long teaching clinic) and Immigration Detention & Appellate Clinic (a semester long teaching clinic), under the supervision of the co-directors (clinic faculty) and pursuant to student practice rules, provide legal representation to clients before the immigration courts, the Board of Immigration Appeals, the US District Court for the Central District of California, the Ninth Circuit Court of Appeals, and US Citizenship and Immigration Services (USCIS). The two direct service projects, the Immigrant Legal Assistance Center and the Naturalization Project, provide direct legal representation, pro per assistance, or consultations to clients. Direct representation is provided by staff attorneys, with assistance from the Clinic's co-directors, clinical law students, and to a limited extent, law student and attorney volunteers.
Primary Purpose %:	91.46%
Qualifying Legal Services Activities:	Community legal education and information; Limited services; Representation

Other Activities:	Provided outside of California; Provided to non-indigent clients/non-qualified organizations
2 Counties Served:	<ul style="list-style-type: none"> • Los Angeles • San Bernardino
Funding Summary:	Individual Contributions: \$6,845 Organizations: \$16,518 Foundations: \$120,155 LSC/AAA: \$0 Government Resources: \$37,640 Residual and Cy Pres Awards: \$200,006 Fees and Reimbursement: \$0 Other: \$444,706 Total: \$825,870
Corporate Expenditure Summary:	Personnel: \$639,463 Non-Personnel: \$248,356 Total: \$887,819
Staffing (total FTEs):	Attorneys: 4 Paralegals: 0 Law Students: 0.5 Professional Services: 0 Clerical/Admin: 1.1 Other Personnel: 0.25 Vacant Positions: 0 Total: 5.85

	A	B	C	D	E
1		Organization	12. PERCENT OF QUALIFIED EXPENDITURES FOR FREE CIVIL LEGAL SERVICES TO INDIGENT PERSONS	<p>12.A. Less than 75% Explanation</p> <p>EDC is focused on eviction prevention through all of our City Funded contracts. In the second half of 2019, approximately 72% of all clients who received free legal services from EDC are indigent. In the first half of 2020, 60% of all clients who received free legal services from EDC are indigent.</p> <p>In fact, for Q3 and Q4 of 2019: 68% of our referral and pro per services clinic program were indigent; 71% or our clients who received full scope representation from EDC were indigent; 59% of our indigent RADCo clients received litigation and RADCo services from EDC; 100% of our Shelter Client Advocates program were indigent.</p> <p>For Q1 and Q2 of 2020: 67% of our referral and pro per services clinic program were indigent; 64% or our clients who received full scope representation from EDC were indigent; 10% of our indigent RADCo clients received litigation and RADCo services from EDC; 100% of our Shelter Client Advocates program were indigent.</p> <p>As stated above, our pre-July 2019 database did not capture the level of data required to accurately identify IOLTA eligible clients. Moreover, EDC staff have been operating remotely since March 17, 2019 because of COVID19. Accordingly, the data presented in this application was calculated with data from Q3 and Q4 of 2019.</p> <p>We are also providing data from Q1 and Q2 of 2020. However, because of COVID19 and the moratorium, the data points are misleading. Currently, the court is closed and most evictions are stalled. Therefore, individuals are not seeking (nor needing) EDC's tenant legal services. In contrast, because of COVID19 and the number of San Francisco residents who have lost income and/or become unemployed because of COVID19, the number of individuals seeking rental assistance from RADCo has almost quadrupled in recent months. Very few of these tenants require legal services because of the aforementioned moratorium. Furthermore, once the moratorium lifts, EDC anticipates the number of clients served by EDC will skyrocket, and in particular the number of tenants who require both legal representation and rental assistance.</p> <p>EDC's success is based on the marriage of legal services and rental assistance. RADCo is a key component of the legal assistance EDC provides, as well as the limited and full scope representation provided to approximately 90% of tenants being evicted. RADCo works closely with EDC's litigation team as well as the litigators across the San Francisco Tenant Right to Counsel System in their</p>	
2	1	Eviction Defense Collaborative	72.23%		
3	2	Family Legal Assistance at CHOC Children's		<p>Integration of legal and other supportive services is a crucial component of FVLC's legal services model; our clients receive legal services in combination with other assistance to stabilize and support victims of domestic violence during times of extreme crisis, thereby increasing the likelihood that they will follow through in their efforts to seek safety.</p> <p>FVLC tracks expenditures in three different program areas: Legal Services, Family Violence Intervention Unit, and Youth Services. FVLC also tracks expenditures related to Management & General and Fundraising activities on an ongoing basis. We calculated qualified expenditures using the following methods: Unqualified expenditures in Legal Services include \$327,982 in subgrantee expenses for fiscal year 2018-19 to our CalWORKS Domestic Violence Collaborative subgrantees and to Bay Area Women Against Rape and the Alameda County Family Justice Center under the federal LAV grant. We received funding for legal services under the CalWORKS Domestic Violence Collaborative and are the lead agency, so the grant falls in our legal department budget but the subgrantees primarily are shelter providers. We also included lobbying expenses and the 11% of our legal clients who are not income qualified.</p> <p>The Family Violence Intervention Unit (FVIU) includes four crisis intervention specialists, two case management specialists and two managers who review police reports and provide case management support to victims identified in the reports. Upon advice from State Bar staff, we took the percentage of client time FVIU spent with legal clients, averaged FVIU staff percentages, and applied the averaged percentage to FVIU expenses. 88% of their time is spent directly supporting clients with active legal cases or serving the agency's legal intake function, which includes providing legal information and legal assessment to clients.</p> <p>FVLC also employs a part-time therapist who provides ongoing counseling and support to clients and their children. Both FVLC attorneys and therapists have seen improved legal outcomes among clients receiving therapy. The emotional support received has increased clients' abilities to follow through with the legal process during the difficult period of separation and legal proceedings. Approximately 68% of the therapeutic hours were spent directly supporting clients with active legal cases.</p> <p>Youth Services provides youth leadership development to high school aged youth. Approximately 5% of Youth Services staff time is spent providing legal information to youth, who have questions about restraining orders and general questions about their legal rights. Youth Services staff also uses FVLC attorneys as resources for legal information and supports legal staff when a legal client is a minor.</p> <p>FVLC's primary purpose continues to be providing access to comprehensive legal services that will help domestic violence survivors achieve long-term safety and self-sufficiency. Although our qualified expenditures in FY 2018-19 are under the 75% presumption, we believe that we are a qualified provider for the Legal Services Trust Fund IOLTA Program for the following reasons:</p>	
4	3	Family Violence Law Center	69.75%		
5	4	Housing Rights Center	0%		
6	5	Kids in Need of Defense	-57.53%		

	A	B	C	D	E
1		Organization	12. PERCENT OF QUALIFIED EXPENDITURES FOR FREE CIVIL LEGAL SERVICES TO INDIGENT PERSONS	12.A. Less than 75% Explanation	
				<p>LAS' legal, educational and health insurance counseling services are designed to improve the quality of life for Alameda County's most vulnerable older adults. While not all of LAS' services are free civil legal services, LAS provides these services because there is a pressing community need, and they meet our overall mission and vision.</p> <p>In calculating the percentage of expenditures for free civil legal services to indigent persons, LAS is required to exclude conservatorship cases, even though 100% of these clients qualify as indigent because they are all eligible for Older Americans Act funding services with LAS. LAS' conservatorship program is fee-for-service but performs a critical function for the County of Alameda. Before LAS began this work, the courts were having a difficult time finding counsel for these cases. Now LAS represents some of the most vulnerable older adults in Alameda County through its conservatorship program. These are often older adults who have lost their ability to advocate for their rights and are no longer able to make decisions regarding their care, well-being and finances. LAS ensures that these clients are treated with dignity and respect and are receiving appropriate care.</p> <p>LAS is, however, including HICAP cases in its calculation. If HICAP cases were required to be counted against the percentage of clients that LAS could consider indigent, the percent of expenditures for free civil legal services to indigent persons would be less than 75 percent. Even if HICAP services were excluded from the calculation, LAS would still meet the primary purpose requirement for funding due to the nature of the services. While HICAP does not fall within the category of free civil legal services, it is dedicated to meeting the critical health care needs of Alameda County older adults by providing counseling and advice regarding Medicare and related health insurance options. Using the IOLTA definition, 100% of HICAP's clients would qualify as indigent due to age and/or disability. HICAP counsels between 4,000 and 5,000 older adults per year on health care coverage issues. Without HICAP services, older adults would be left without the information they need to make informed decisions about their health care.</p> <p>When conservatorship and HICAP cases are not considered, over 80% of the clients that LAS works with are defined as indigent. All of LAS' other services are almost completely dedicated to the service of indigent clients. Although HICAP and conservatorship are not considered free civil legal services, both programs address critical needs of the older adult community.</p>	
7	6	Legal Assistance for Seniors	66.07%	<p>SJC's founding vision was that all indigent immigrants receive high quality defense in immigration court. At that time in 2012, there was very limited funding for deportation defense. In order to start serving our clients, we started charging low income clients 20% of the market rate, or less, to provide full scope representation from start to finish in court. As the funding landscape changed, the appetite for foundations as well as the State of California to fund programs such as SJC's, we were able to increase provision of no cost services.</p> <p>SJC receives a significant portion of its FY2019 income from the State. In order to receive funding with the State of California, the organization cannot charge for the cases taken under contract. Each year, SJC was able to provide increasing number of free services, which was always the mission. However, had SJC not taken those cases for a low fee, it would not have been able to demonstrate the high success rate nor attract the funding.</p> <p>Today, SJC is proud that roughly 60% of its cases are taken at no cost to clients, and yet there is insufficient funding to provide representation to all indigent families in need. Rather than referring these cases to other organizations who are at capacity or rejecting them to face the high cost of private attorneys, SJC provides a real chance to win legal status for those who would certainly face deportation. We also have a robust pro bono program that serves roughly 20% of our clients at some phase of their process, providing hundreds of thousands of dollars of free legal aid each year. Unfortunately, the State Bar does not include in its qualified expenditure the contributions via expenses of pro bono attorneys at SJC. Were these services to be included in cost, we would easily exceed the 75% presumption threshold.</p> <p>As attachments to this application, SJC is including both the 2019 and 2018 Annual Report to demonstrate the commitment to provision of free legal services, and to demonstrate how over time the proportion of free services has been on the rise in an exponential fashion. We are also including a copy of the 2018 internally prepared financial statements to show the growth in provision of legal services at no cost to the client. In FY2018, SJC provided roughly half of its clients free legal services, and in 2019, that proportion has increased to 54%.</p> <p>In FY2020, we have allocated roughly 60% of expenditures to pro bono legal representation to indigent clients. We continue to increase our reach via our pro bono program, offering more clinics, including remote clinics during COVID-19. SJC mission is to provide free legal services to the most vulnerable people and each year we make significant steps toward accomplishing this goal.</p>	
8	7	Social Justice Collaborative	53.44%		

2021 IOLTA/EAF Applications with Pass-Throughs						
	Organization	Type	2019 Corporate Expenses	2019 Pass-Through	Total Expense with Pass-Through	Percent Pass-Through
1	Immigrant Legal Resource Center	Support Center	\$ 9,115,322	\$ 10,998,143	\$ 20,113,465	54.7%
2	Santa Clara University Alexander Law Center	Legal Services Provider	995,269	696,161	1,691,430	41.2%
3	Family Violence Law Center	Legal Services Provider	1,636,207	649,044	2,285,251	28.4%
4	Impact Fund	Support Center	1,851,383	336,565	2,187,948	15.4%
5	Centro Legal de la Raza	Legal Services Provider	8,106,847	1,155,000	9,261,847	12.5%
6	Worksafe, Inc.	Support Center	787,658	75,115	862,773	8.7%
7	Bay Area Legal Aid	Legal Services Provider	19,673,284	1,552,088	21,225,372	7.3%
8	Social Justice Collaborative	Legal Services Provider	1,211,882	86,173	1,298,055	6.6%
9	Prison Law Office	Legal Services Provider	4,133,513	259,097	4,392,610	5.9%
10	Dependency Advocacy Center	Legal Services Provider	3,191,282	177,299	3,368,581	5.3%
11	Alliance for Children's Rights	Legal Services Provider	5,631,739	270,000	5,901,739	4.6%
12	Legal Aid of Sonoma County	Legal Services Provider	1,888,392	70,000	1,958,392	3.6%
13	Law Foundation of Silicon Valley	Legal Services Provider	10,024,965	365,708	10,390,673	3.5%
14	California Rural Legal Assistance Foundation	Support Center	2,834,330	70,460	2,904,790	2.4%
15	Legal Aid Society of San Bernardino	Legal Services Provider	1,488,451	26,000	1,514,451	1.7%
16	Justice in Aging	Support Center	3,499,301	60,892	3,560,193	1.7%
17	Child Care Law Center	Support Center	641,567	10,000	651,567	1.5%
18	Santa Clara County Asian Law Alliance	Legal Services Provider	2,552,342	30,000	2,582,342	1.2%
19	East Bay Community Law Center	Legal Services Provider	8,287,122	80,868	8,367,990	1.0%
20	Public Advocates Inc.	Legal Services Provider	3,563,428	30,000	3,593,428	0.8%
21	Kids in Need of Defense	Legal Services Provider	23,660,741	43,835	23,704,576	0.2%