



# The State Bar of California

## OFFICE OF ACCESS & INCLUSION

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Date: May 1, 2020

To: Members, Legal Services Trust Fund Eligibility & Budget Review Committee

From: Erica Carroll, Senior Program Analyst

Subject: Documentation for Conditionally Approved Purchases of Real Property and Capital Additions in Grantees' 2020 IOLTA Budgets

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### EXECUTIVE SUMMARY

At its meeting on November 1, 2019, the Eligibility & Budget Review (E&BR) Committee reviewed proposed budgets from all 2020 IOLTA and EAF grantees. The Committee conditionally approved eight proposed budgets that allocated 2020 IOLTA funds to purchases of real property and/or capital additions. To comply with the Legal Services Trust Fund Program's Guidelines for Purchases of Real Property and obtain final approval of their budgets, grantees were directed to submit appropriate documentation.

The deadline for submission was March 31, 2020. However, due to recent public health concerns, some organizations have requested and been granted extensions, while others have opted to revise their budgets. The E&BR Committee will review the documentation provided by the grantees who were able to meet the deadline at this meeting. Outstanding budget issues will be placed on the E&BR Committee's June meeting agenda.

### BACKGROUND

#### GOVERNING AUTHORITIES AND BUDGET REVIEW PROCESS

Proposed budgets for 2020 IOLTA and EAF grants were due on October 11, 2019, as prescribed by State Bar Rule 3.680. Staff reviewed the proposed budgets and provided recommendations to the E&BR Committee regarding approval or revision of the budgets at the Committee's November 1 meeting. (The memorandum from that meeting is included for reference as Attachment A.)

Due to high interest rates at the time, the State Bar anticipated distributing approximately \$55.6 million in IOLTA funds in grant year 2020, a 102-percent increase from the prior year. In order to comply with the requirement that they spend the funds in the year received, a number of grantees planned to use the 2020 IOLTA funds to improve their office spaces or reduce their mortgage debt load.

The Legal Services Trust Fund Program's Guidelines for Purchases of Real Property (Guidelines) governs those types of expenditures of State Bar grant funds. (Attachment B.) Any allocation in excess of \$5,000 or five percent of the grant, whichever is lower, requires review by the Legal Services Trust Fund Commission (LSTFC). Eight grantees fell into this category based on the Guidelines and their proposed allocations to construction costs and/or debt service payments.

At the November 1 meeting, the E&BR Committee recommended conditional approval of all eight budgets that allocated IOLTA funds for construction costs and/or debt service payments. Documentation required under the Guidelines was not requested as part of the budgeting process; grantees were given until the end of the first quarter (March 31, 2020) to submit appropriate documentation to finalize approval of the budget.

## **DISCUSSION**

Of the eight organizations that were conditionally approved to allocate IOLTA funds to purchases of real property/capital additions, two have submitted documentation.

Due to the impact of COVID-19 on the operations of most legal aid organizations, many have had to shift focus to immediate concerns of keeping staff and clients safe while managing to provide services remotely. Some have not been able to procure the necessary quotes because of shelter in place orders and social distancing guidelines, while others have reevaluated their proposed use of the funds. Thus, four organizations have requested and been granted extensions, and two organizations no longer need to have property or capital expenditure documentation approved for other reasons discussed below.

### **Extension Requests**

March 31 was originally presented as a hard deadline for document submission. However, the public health crisis caused by COVID-19 was unforeseen at the time. Over the past several weeks, staff has communicated to grantees that the State Bar wants to support them and be flexible under the current circumstances, including permitting extensions past the March 31 deadline.

To that end, the following organizations were granted extensions to submit the necessary documentation, which will most likely require review at the E&BR Committee's June 26

meeting: Greater Bakersfield Legal Assistance, Inc., Legal Aid Foundation of Los Angeles, and Legal Services of Northern California. Staff also reminded these grantees of the possibility of revising their budgets if they no longer wish to pursue capital additions, given the current circumstances.

Neighborhood Legal Services (NLS) initially budgeted \$200,000 of its IOLTA funds for office renovation and expansion. However, after its budget was conditionally approved for the capital additions, NLS decided to reallocate those funds to purchases of tangible property, such as laptops, and to personnel costs. This was due to increased need as their staff transitions to working remotely. Such purchases fall under the Management of Personal Tangible Property Guidelines. (Attachment C.) NLS was given an extension to revise its budget to reflect these changes, and staff will report on that revision at the June 26 meeting if necessary.

### **Requests No Longer Requiring Committee Review or Approval**

Public Counsel listed \$34,000 in improvements as capital additions in their proposed budget. These planned expenditures were later determined to fall under the guidelines for Management of Personal Tangible Property, because they were actually leasehold improvements. The guidelines for Management of Personal Tangible Property require that the organization maintain financial records for inspection without necessitating preapproval by the LSTFC. (Attachment C.) Staff has approved Public Counsel's budget.

Legal Aid Society of San Bernardino (LASSB) withdrew its request to allocate funds to purchase a parking lot and make improvements to/expand their office building. Changes to LASSB's budget have already been reviewed and approved by the LSTFC through a separate process; no action is needed by the E&BR Committee.

### **Organizations That Timely Submitted Documentation**

The remaining two organizations, California Rural Legal Assistance, Inc. (CRLA) and Disability Rights California (DRC), provided documentation by the March 31 deadline.

CRLA's budget devoted \$579,910 of IOLTA funds to prepay part of its mortgage and provided an amortization schedule to support its request. (Attachment D.) CRLA also confirmed with State Bar staff that no other special conditions applied (like shared use or ownership, or interested transactions). Staff recommends final approval of CRLA's budget.

DRC allocated \$615,000 to office construction and renovations (\$400,000) and paying off its second mortgage (\$215,000). DRC provided a title report and information from its board meetings, along with a comprehensive explanation of its planned use of the funds. (Attachment E.) DRC reported to State Bar staff that at least ten contractors initially expressed interest in

bidding on the construction project, but due to COVID-19, DRC was only able to secure one bid in response to their RFP by the initial deadline. They intend to reopen the RFP to secure more bids, but they reported that the one bid already received was in line with their initial projected costs. Staff recommends final approval of DRC's budget.

Staff interpreted the Guidelines as requiring a security interest only in the instance of a new purchase, rather than paying down debt on existing obligations. Consequently, no organizations were requested to provide a security interest in these transactions. However, the Committee may discuss whether to require further assurances, such as a signed agreement that the funds will only be used to enhance the grantees' operating ability in service to indigent persons.

### **Codification Process Related to Property Guidelines**

The guidelines for both purchases of real property, as well as management of tangible personal property, were adopted in 1986. Staff has received feedback from grantees that the guidelines are difficult to understand and to apply to some of the current requests. Staff similarly has spent significant time parsing the text to provide clear and accurate information to grantees regarding their responsibilities under these guidelines.

As part of the ongoing codification process, staff will propose updates to the guidelines to make them easier to follow while ensuring that enough information is provided to satisfy the LSTFC that the funds will be used towards ongoing operations in service to indigent clients. This issue will be previewed for the Rules Committee in July 2020 and will be ready for in-depth discussion in September 2020, prior to the next round of budget review.

### **ATTACHMENTS**

- A. Memorandum from November 1, 2019 Eligibility & Budget Review Committee Meeting
- B. Guidelines for Purchases of Real Property
- C. Management of Tangible Personal Property
- D. Documentation Submitted by California Rural Legal Assistance, Inc.
- E. Documentation Submitted by Disability Rights California



# The State Bar of California

## OFFICE OF ACCESS & INCLUSION

Date: October 28, 2019

To: Members, Eligibility and Budget Review Committee of the Legal Services Trust Fund Commission

From: Erica Carroll, Senior Program Analyst

Subject: Approval/Revision of 2020 IOLTA/EAF Budget Proposals

### EXECUTIVE SUMMARY

Each year the State Bar, through the Legal Services Trust Fund Commission (LSTFC), administers the Interest on Lawyers' Trust Accounts (IOLTA) and Equal Access Fund (EAF) grants.

The State Bar will distribute approximately \$55.6 million<sup>1</sup> in IOLTA funds—a 102 percent increase for IOLTA funds over 2019—and more than \$20 million in EAF funds in 2020.<sup>2</sup> After completing its application and eligibility review process, the LSTFC approved 97 organizations for tentative award allocations on August 23, 2019. The State Bar's Office of Access & Inclusion calculated proposed award allocations as prescribed by the IOLTA statute, and notified programs of the amount of their allocation on September 11, 2019. Qualified legal service providers (QLSPs) and support centers (SCs) had 30 days to submit their proposed budgets detailing how they would expend the allocated amount. Of the 97 IOLTA/EAF-eligible organizations, 91 submitted budgets by the deadline.

The Eligibility and Budget Review Committee of the LSTFC will meet on November 1, 2019, to review budget proposals from these QLSPs and SCs. The purpose of this memo is to provide a synopsis of the budget review process and staff recommendations regarding approval or revision of the proposed budgets.

<sup>1</sup> Amount rounded to nearest hundred thousand.

<sup>2</sup> The state budget increased EAF funds to \$42.9 million in 2020, but a percentage of these funds will go towards Partnership Grants between legal service providers and courts, and an additional \$20 million will fund homelessness prevention projects; the EAF funds listed above will be distributed to eligible recipients along with the IOLTA funds based on a statutory formula.

**OFFICE OF ACCESS & INCLUSION****BACKGROUND****GOVERNING AUTHORITIES**

Section 6216 of the Business and Professions Code prescribes the method for allocating IOLTA funds to QLSPs and SCs. Once the State Bar releases these tentative allocations, State Bar Rule 3.680(E)(3) requires that QLSPs and SCs prepare and submit a proposed budget and budget narrative within 30 days. This condensed timeline is essential for review, any necessary budget revisions, Commission approval, and distribution of grant agreements before the end of the year. This then allows for the timely execution of grant agreements and the first quarter disbursement of funds in January.

The State Budget Act created the EAF; that act further specifies that 90 percent of the funds will be distributed by the State Bar in the same manner as the IOLTA funds. Though the process is the same for determining award allocations and distribution, IOLTA and EAF remain distinct funding sources. QLSPs and SCs must submit separate budgets for each grant. Moreover, EAF requires funding to be tied to a set legal area or client constituency with discrete deliverables and outcomes for evaluation purposes, as explained in the budget instructions for both types of grantees.

The Legal Services Trust Fund Program Guidelines for Purchases of Real Property and Management of Tangible Personal Property, adopted by the Board of Trustees in 1986, govern purchases and acquisitions by grantees using IOLTA and EAF Funds. (See Attachments A and B.) Briefly stated, the Guidelines for Purchases of Real Property provide that “funds disbursed pursuant to the Trust Fund Program, are to be used primarily as ongoing, operating funds and not as an endowment. Recipients contemplating using funds to purchase real property must demonstrate to the Commission that the proposed acquisition will enhance the operating ability of the Recipient. Real property purchased solely for investment purposes, regardless of the value of the investment, does not constitute an appropriate use of a Grant. Apart from its investment benefits, a real property purchase should provide some benefit to Program operations, such as reduced occupancy costs, consolidation or continuity of office locations, or access to a unique space otherwise unavailable.”

The IOLTA/EAF application requires that programs allocate at least 75 percent of funds to programs and 25 percent or less to administrative expenses; programs are also required to allocate 75 percent of the budget to personnel and 25 percent to non-personnel expenses. This has been the practice for at least the past four years. Deviation from these amounts requires Eligibility and Budget Review Committee approval.

**STAFF APPLICATION REVIEW PROCESS**

Budget proposals for the 2020 IOLTA/EAF grant allocations were due on Friday, October 11, 2019 at 5:00 p.m.

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Staff reviewed proposed budgets to confirm compliance with the governing authorities. Budget review involved, but was not limited to, checking proper calculation of full-time staff equivalents and salaries; use of funds for only qualifying activities; proper allocations by county for programs that operate in multiple counties; compliance with the recommended ratio of programmatic to administrative expenses and personnel to non-personnel expenses; and ensuring that expenditures are tied to anticipated activities and outcomes. If questions arose during review, staff contacted the organizations for clarification or correction and provided the opportunity to revise the budgets where necessary.

Due to rising interest rates over the past three years and efforts to re-certify financial institutions' IOLTA products, IOLTA grant funds have nearly doubled each year for the past three years. For example, one grantee had the following recent distributions, respectively: \$2.7 million in 2018, \$3.5 million in 2019, \$5.2 million allocated for 2020. However, interest rates began to decline in July 2019. State Bar staff informed grantees that the unprecedented increase in funding for 2020 would likely be an anomaly and encouraged grantees to factor this into their budget preparation. Grantees were advised to balance client needs and organizational needs in a way that would improve client service delivery and maximize the benefit of the spike of increased in funding. Rather than solely expending funds on hiring staff that might be unsustainable past this grant year, staff provided the following examples for types of expenditures programs might consider: updating their case management systems, other technological improvements and efficiencies, and increasing recruitment and retention efforts to minimize staff turnover.

### **Purchase of Real Property**

Budgets that propose purchases, renovations, or debt service payments (e.g., additional payments on mortgages) on real property are brought to the Eligibility and Budget Review Committee (the Committee) for review when a program proposes to spend more than \$5,000 or more than 5 percent of its budget on such expenditures. (See Attachment A.)

Although the Guidelines provide that grantees wishing to allocate part of their budget to real property purchases must produce pertinent documentation to the Commission, the budget proposal instructions did not instruct programs to provide such documentation.

To address this gap while complying with the Guidelines, staff recommends that the Committee conditionally approve the real property purchases and improvements that they deem appropriate, with formal approval to follow—and be contingent upon—grantees producing the necessary documentation (including granting the State Bar a security interest in the property) no later than the end of the first quarter of 2020—March 31, 2020. Should all the necessary documents be submitted earlier, the LSTFC may be able to approve these requests at its

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planned February 2020 meeting. If documentation is not provided for these purchases, grantees must revise budgets by April 30, 2020.

Other types of capital additions include tangible personal property and improvements (e.g. computers, phone systems). Grantees were required to itemize these in the budget. Current Guidelines do not require prior approval beyond the overall budget approval. Grantees must, however, maintain proper financial documentation and produce it as necessary for monitoring purposes. (See Attachment B.) This includes documentation granting the State Bar a security interest in the tangible personal.

### **Allocation of Program Expenses Versus Administrative Expenses**

Beyond such capital additions, budget proposal instructions recommended that grantees devote 75 percent or more of the allocated funds to program expenses and 25 percent or less to administrative expenses (similarly, 75 percent to personnel expenses and 25 percent to non-personnel), which has been the standard target allocation for the past several years. Staff elevates all budgets that deviate from these allocations to the Committee for review and approval or revision. (See Attachment D.)

The recommended allocations reflect the fact that these grants are devoted to provision of civil legal services to indigent persons for the grant period. Staff informed QLSPs and SCs that departures from the proposed allocations would require grantees to explain their rationale for the use of the funds. They would also have to demonstrate how the allocation would support their programmatic work, and ultimately benefit clients and improve or expand service delivery.

### **Non-Qualifying Activities**

Finally, in cases where there is a request to use the IOLTA/EAF grants to fund certain activities that may not meet the definition of “legal services,” staff elevates these proposals to the Committee for review. An example would be whether activities of a staff social worker would qualify under “legal services.” (See Attachment E.)

Staff have completed review of all 97 budgets. The discussion section highlights all issues that require Committee review. The Committee will meet on November 1, 2019 to discuss staff recommendations and vote whether to recommend approval or revision of the submitted budgets to the LSTFC. The LSTFC will meet on November 22, 2019 to vote on the Committee’s recommendations.



**OFFICE OF ACCESS & INCLUSION****DISCUSSION**

The following issues arise in one or more budget proposals, and require Committee recommendations.

**1. PROPOSALS FOR REAL PROPERTY OR CAPITAL INVESTMENTS**

Eight organizations' budget proposals include use of funds towards real property purchase, lease, or prepayment above the threshold in the Guidelines for Purchases of Real Property.

These organizations, their proposals, and staff recommendations are listed in Attachment C. All staff recommendations to approve grant funding for real property are based on staff's determination that, consistent with the Guidelines, the purchase will enhance the operating ability of the program and/or are an effective means to support continued high-quality civil legal representation of indigent persons. (See Attachment C.)

**2. DEVIATIONS FROM PROGRAM/ADMINISTRATIVE RATIOS**

Ten organizations deviated from the recommended budget allocations of 75 percent to programs and 25 percent to administrative expenses or 75 percent to personnel and 25 percent to non-personnel. These organizations, their explanations, and staff recommendations are listed in Attachment D.

**3. REVIEW OF ACTIVITIES AS LEGAL SERVICES**

Four organizations propose to fund activities as "legal services" that are outside the traditional definition. These organizations, their proposed activities, and staff recommendations are listed in Attachment E.

**4. RECOMMENDATION REGARDING REMAINING BUDGET PROPOSALS**

The State Bar prepared 97 tentative allocations and 91 organizations submitted their budgets by the deadline.

Five organizations submitted their budgets within two hours of the deadline:

1. California Rural Legal Assistance, Inc.;
2. Casa Cornelia Law Center;
3. Justice & Diversity Center of the Bar Association of San Francisco;
4. Legal Aid of Marin; and
5. Senior Advocacy Network.

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La Raza Centro Legal submitted its budget one week after the deadline on October 18, 2019, at 4:27 p.m. This late submission presented a challenge for staff in ensuring timely review and recommendation regarding approval or revision of the budget. Nonetheless, staff recommends approval of this organization's proposed budget as well as the five referenced above. (See Attachment F.)

Staff also recommends approval of all remaining budgets not discussed above. Attachment F contains a complete list of grantees and their tentative IOLTA and EAF allocations.

**ATTACHMENTS**

- A. Legal Services Trust Fund Program Guidelines for Purchases of Real Property
- B. Legal Services Trust Fund Program Guidelines for Management of Tangible Personal Property
- C. List of grantees, their proposed real property purchases/payments, and staff recommendations.
- D. List of grantees and their explanations for deviating from recommended budget allocations, with staff recommendations.
- E. List of grantees and proposed activities requiring further review as "legal services," along with staff recommendations and copies of budget proposals.
- F. List of all grantees and their proposed IOLTA and EAF grant amounts.

## LEGAL SERVICES TRUST FUND PROGRAM

### GUIDELINES FOR PURCHASES OF REAL PROPERTY

(Adopted by the State Bar Board of Governors, April 5, 1986)

#### PREAMBLE

The Commission recognizes that under certain conditions the purchase of real property can be an effective means to support continued high-quality civil legal representation of indigent persons. Funds disbursed pursuant to the Trust Fund Program, however, are to be used primarily as ongoing, operating funds and not as an endowment. Recipients contemplating using funds to purchase real property must demonstrate to the Commission that the proposed acquisition will enhance the operating ability of the Recipient. Real property purchased solely for investment purposes, regardless of the value of the investment, does not constitute an appropriate use of a Grant. Apart from its investment benefits, a real property purchase should provide some benefit to Program operations, such as reduced occupancy costs, consolidation or continuity of office locations, or access to a unique space otherwise unavailable.

#### I. Limitations on Use of Grant Funds to Purchase Real Property.

- A. An Expenditure (as defined below) of Grant Funds in a Grant Year for costs associated with the purchase of real property that exceeds annual fair market rental costs for property similar in size, location and improvements will be approved only if the Expenditure will allow a Recipient either:
  - 1. To obtain long-term occupancy costs that are less than fair market rental costs for property similar in size, location and improvements; or
  - 2. To obtain long-term occupancy costs that are less than fair market rental costs for property reasonably suited to Recipient's program, even if long-term occupancy costs are greater than fair market rental costs for property similar in size, location and improvements, if the Expenditure will allow the Recipient:
    - a. To consolidate office location or permit continued occupancy after expiration of a lease; or
    - b. To provide access to a unique space otherwise unavailable.

Even if one of the above factors (1) or (2) is present, the Commission may refuse to fund the proposed Expenditure if the Commission finds that the proposed Expenditure would not be in accordance with the Act.

- B. No Expenditure shall be approved for a purchase of real property if the purchase price exceeds fair market value for that property.
- C. No Expenditure shall be approved, even if in technical compliance with these Guidelines, if the Expenditure is designed or intended to evade the purpose of these Guidelines to ensure that all Grant Funds are used in accordance with the Act.
- D. These Guidelines shall not apply to Grant Funds that are being used for debt service or similar payments for real property (1) that the Recipient purchased or received as a gift

prior to November 22, 1985, or (2) the purchase of which was approved five or more years prior to the Grant Year for which the Grant Funds are to be allocated.

- E. These Guidelines shall not apply to Grant Funds used for costs associated with real property if the costs are being incurred in accordance with a Budget previously approved by the Commission.
  - F. The Commission may deny approval of Expenditures that would otherwise be permissible if the Commission finds that the Expenditure would conflict with the Act because of plans (1) to purchase real property jointly with or to lease real property to other persons or entities, or (2) to allow programs of the Recipient not qualified to receive Grant Funds to use the real property.
- II. "Expenditure" defined: An expenditure for costs associated with the purchase of real property, including but not limited to:
- A. Down payment;
  - B. Non-refundable deposits in excess of \$1,000;
  - C. Purchase option costs;
  - D. Architectural, engineering and permit expenses;
  - E. Construction and renovation costs (except, in the case of tenant improvements paid for by a Recipient, costs that will be repaid by tenants of the Recipient) that would be treated as capital costs in accordance with generally accepted accounting principles;
  - F. Purchase price payment;
  - G. Closing costs (including transfer taxes, title costs, loan origination fees, brokerage costs, finders' fees and escrow fees);
  - H. Payments made on leases, investment contracts, to purchase securities, etc., that would constitute a transfer of ownership under Article XIII A of the California Constitution or that would otherwise constitute a transfer of beneficial ownership under California law;
  - I. Debt service payments;
  - J. Purchases of membership shares in a real estate cooperative corporation;
  - K. Insurance payments in excess of insurance payments that would have been made if the Recipient were a lessee of the real property.

No expenditures will be considered to be associated with the purchase of real property, even if the expenditure is of a type described above, if the expenditure, aggregated with all other expenditures associated with the purchase of real property made in the Grant Year, does not exceed the lesser of \$5,000 or 5% of the Grant that the Recipient receives in that Grant Year.

- III. "Long-term occupancy costs" ordinarily shall be measured over a period of five years unless the Recipient shows good cause for selecting a different time period. The calculation of long-term occupancy costs shall include the actual interest or other costs incurred by the Recipient for any down payment or similar payment. If such payments are made with funds, including Grant Funds, available to the Recipient without cost, no interest, lost opportunity or other cost shall be imputed to calculate long-term occupancy costs.

- IV. Budget Approval Procedure: A Recipient may propose to make an Expenditure in the Recipient's initial proposed Budget or in any amended or supplemental Budget. A Recipient proposing to make an Expenditure must submit the following information in addition to any information required by the Budget Materials or the Guidelines:

A. Information pertaining to cost:

1. Preliminary title report, including legal description of property, dated within 90 days before the date of submission of the Proposed Budget.
2. Description of the current use and condition of the property, including size, location, rental income, utility costs, owner, tenants, and, if reasonably available, current financing arrangements and date and price of most recent previous sale.
3. Purchase terms, including copies of relevant purchase or option agreements and all collateral documentation available at the time of the submission.
4. Estimated fair market value of the property, including at least one written appraisal made by an appraiser with the qualifications described in (8), below. Copies of all appraisals of the real property to be purchased or of comparable property (whether for lease or sale) that are or have been available to the Recipient shall be submitted to the Commission staff.
5. Estimated cost of proposed improvements.
6. Estimated occupancy costs, including, but not limited to, actual interest costs for down payment (if any), debt service, taxes, utilities, insurance, maintenance and contributions for a reserve for extraordinary expenses (e.g., roof or boiler replacement). Economic assumptions, such as the interest rate (if the Recipient will be repaying a variable rate loan) or potential rental income (if the Recipient will be leasing a portion of the real property) shall be stated. Occupancy costs should be stated in absolute terms and per net rentable square foot, and should be estimated for five years after the anticipated closing date.
7. Estimated fair market rental costs of properties similar in size, location and improvements. Include estimated rent in absolute terms and per net rentable square foot, term of lease upon which estimate is based, and additional costs that lease would impose on tenant (e.g., taxes, maintenance, insurance). Estimates should cover the five year period after the anticipated closing date.
8. Identify and describe the qualifications of the experts upon whom the Recipient has relied to evaluate: fair market value; comparable property values in the purchase and lease market; the condition of the property proposed for purchase; and the cost of repairs and improvements. Identify any brokers or finders with whom the Recipient has consulted and (a) who will receive any consideration from the transaction or (b) who have a financial interest in the real property being purchased. At least one appraiser of market value of the property being purchased and of comparable market values shall be a member of the American Institute of Real Estate Appraisers or shall have had at least 5 years of continuous experience, immediately prior to the date of the appraisal, of appraising similar property within the same county as the property to be purchased, for savings banks, commercial banks or trust companies, insurance companies, savings and loan associations, or similar financial institutions that have a net worth of not less than \$20,000,000 or assets of not less than \$100,000,000.

9. Any other information that the Commission staff or the Recipient believes is relevant to determining the long-term occupancy costs of the property or fair market rental costs of similar property, or to ascertaining whether the proposed Expenditures will be in accordance with the Act.

B. Information pertaining to shared ownership or use:

1. Plans to share space with other programs of Recipient.
2. Plans to share ownership or occupancy of the real property with other persons or entities.

C. Board comments:

1. Those portions of the minutes of the meetings of the Recipient's Board of Directors that pertain to the Expenditure or the purchase of the real property.

D. Interested transactions:

1. Any factor that would indicate that the Expenditure might entail an interested transaction as described in Section VI below. This disclosure should include de minimis interests, even if not prohibited by these Guidelines.
2. Any relationship between the Recipient, any employee (as defined in Section VI below) or any seller of the real property and any agent, broker or similar representative of either the Recipient or the seller.

V. Special Criteria. If projected five-year occupancy costs will not be less than fair market rental costs for real property similar in size, location and improvements, the Recipient shall submit the following information in addition to any other information required by these Guidelines:

A. Suitability criteria:

1. Description of planned use of the space and its suitability for current and anticipated future Recipient needs.

B. Time period to justify Expenditure:

1. An estimate of the time period, if any, over which occupancy costs would be less than fair market rental costs for property similar in size, location and improvements, the bases of that estimate, and the factors supporting use of that time rather than 5 years as a reasonable period in which to evaluate the economic merits of the proposed purchase.

C. Other special factors:

1. Any plan to use the purchased space to consolidate the Recipient's office sites.
2. If purchasing space currently leased by the Recipient, evidence demonstrating the unavailability of a suitable renewal lease or reasons why purchase is preferable to lease renewal.
3. Factors that make the property a unique space unavailable except through the proposed purchase.

VI. Interested Transactions Prohibited: A Recipient may not engage in an Interested Transaction.

A. The following transactions are considered Interested Transactions:

An Expenditure associated with the purchase of real property from, or the sale of real property acquired (in whole or in part) with Grant Funds to:

1. Any person who, within 24 months of the date of the Budget proposing the Expenditure or the date of the sale, as the case may be, was in any way compensated by the Recipient, in the aggregate in excess of \$5,000, as a staff member, temporary worker, consultant, subcontractor or other service provider, or who, within that 24 month period was a creditor of the Recipient for an amount in excess of \$5,000 or who is a member of the Family of any person described above;
2. Any member of the Recipient's governing board, any person who was a member of that board within 24 months of the date of Budget proposing the Expenditure or the date of the sale, as the case may be, or any member of the Family of any of those board members, unless the Recipient clearly demonstrates that the Expenditure or sale is in the best interests of Recipient's program of providing civil legal assistance to indigent persons.
3. An entity in which a person, whose involvement in the transaction would cause the transaction to be an Interested Transaction, has an ownership, equity or control interest, unless the Commission determines that the interest is de minimis.

B. "Family" members shall mean persons with the following relationships: issue or ancestors, siblings or their issue (including, in all of the previous categories, adopted persons), aunts or uncles or their issue, a spouse or the parents or siblings of a spouse.

VII. Security Interest and Related Issues: The Commission will not approve an expenditure for a Recipient to purchase real property unless the Recipient has made adequate provisions for ensuring that the proceeds from any transfer of any of the Recipient's interest in the real property will be used in accordance with the Act. The Commission also will not approve an Expenditure if the Commission reasonably finds that the Recipient is unlikely to be able to pay occupancy and ownership costs for the real property.

The "proceeds from any transfer of any of the Recipient's interest in the real property" shall include, but not be limited to, sale, insurance, liquidation, condemnation, lease or refinancing proceeds, but shall not include any proceeds in excess of the aggregate amount of Grant Funds actually spent by the Recipient as Expenditures for the real property being transferred.

To help the Commission determine whether an expenditure will be used in accordance with the Act, the Recipient must submit the following information:

A. Security interest. A memorandum of counsel to the Recipient explaining, in detail, the procedures that will be taken to ensure that the proceeds of any transfer of any of the Recipient's interest in the real property will be used as required by the Act and in accordance with these Guidelines. In most cases the Recipient will provide the State Bar with a deed of trust to the real property during the Amortization Period (as defined below) to secure these obligations. The Recipient and its counsel should be prepared to meet with the Commission staff and to supply the staff with supplemental information and agreements to satisfy the obligations to use Grant Funds properly. The Commission staff is hereby authorized, absent Commission directions to the contrary, at the Recipient's request to renegotiate, amend, or release any security documents, or subordinate any security

interest, on behalf of the State Bar to permit the Recipient to refinance, sell, or otherwise transfer any interest of the Recipient in the real property.

- B. Credit Evaluation. Copies of all credit reports on the Recipient or any co-venturer of the Recipient that are provided to any seller or financier of the real property or, if no such reports have been provided, then a copy of a credit report on the Recipient and any co-venturer in form reasonably satisfactory to the staff.

- VIII. Disposition: At the time of any approval by the Commission of an expenditure, the Commission shall designate an Amortization Period for the Expenditure. The Amortization Period ordinarily will be 5 years or the period of time over which aggregate occupancy costs for the purchased property no longer exceed aggregate occupancy costs for similar leased property. Special circumstances, however, may cause the Commission to select a different Amortization Period.

The proceeds of any transfer of any of the Recipient's interest in the real property that is made during the Amortization Period will be treated by the Recipient as if such proceeds were Grant Funds received by the Recipient in the year of the transfer, provided, however, that the Recipient may carry over unspent proceeds for use in any of the 4 Grant Years immediately following the year of the transfer and, as described in Section VII above, this restriction shall apply only to the amount of proceeds equal to the aggregate of all Grant Funds spent by the Recipient as Expenditures for the real property being transferred. Proceeds of such transfers occurring after the Amortization Period expires will not be considered Grant Funds.



## LEGAL SERVICES TRUST FUND PROGRAM

### Management of Tangible Personal Property

- I. Scope: These policies apply to tangible personal property that has:
  - a. A purchase price exceeding \$1,000 and a useful life of more than one year;  
or
  - b. An annual lease rate exceeding \$1,000 and a lease term of more than one year.

Tangible personal property satisfying either condition a. or b. above is referred to as "Tangible Personal Property" in these policies. These policies do not apply to tangible personal property that does not meet either the criteria set forth in a. or b. above.

The terms "acquire" or "acquisition" refer in these policies to purchases or leases with a term in excess of one year. The term "acquisition cost" refer in these policies to the total purchase price or the annual lease payments.

2. Acquisition Procedures: Recipients must adhere to the following procedures when purchasing or leasing Tangible Personal Property:
  - a. Tangible Personal Property with a per item acquisition cost of less than \$2,000 may be made by Recipient by any reasonable procedure;
  - b. Recipients should obtain telephone or written quotations before acquiring Tangible Personal Property with an acquisition cost between and including \$2,000 and \$5,000. A record of the quotations received should be filed with Recipient's financial records and should be available for audit purposes;
  - c. Recipients should prepare written solicitations for bids when acquiring Tangible Personal Property with an acquisition cost in excess of \$5,000. If feasible, Recipients should obtain at least three written quotations for the cost of the Tangible Personal Property to be acquired. If Recipient determines that special circumstances, such as compatibility with existing equipment or lack of dependable alternative vendors, require Recipient to acquire the Tangible Personal Property from a single source, Recipient need not solicit bids. Recipients should prepare and submit to the Director of the Legal Services Trust Fund Program (Director) an estimate of the useful life of the Tangible Personal Property, including the information used in making the estimate. All solicitation material and responses must be filed with Recipient's financial records and made available for audit

purposes. If written solicitations are not prepared, Recipient should record and make available in a similar manner, the reasons for not utilizing the written solicitation process.

As soon as Recipient plans to acquire Tangible Personal Property with an acquisition cost in excess of \$5,000 without bidding, Recipient should inform the Director of the planned acquisition and the reasons for not using the solicitation process;

- d. Recipient should maintain accurate documentation, such as purchase orders or vendor's invoices, of all acquisitions of Tangible Personal Property;
  - e. Prior to purchasing any item of Tangible Personal Property, Recipient shall prepare and submit to the State Bar of California (SBC) those documents the Trust Fund Commission has requested as part of the budget approval process to secure the SBC's interest in the Tangible Personal Property. The SBC will take reasonable measures to accommodate Recipients and other funding or financing sources when Recipient commingles Grant Funds with other financing sources to purchase items of Tangible Personal Property.
3. General Guidelines: Recipients must observe these general guidelines when acquiring Tangible Personal Property:
- a. The acquisition should be an efficient use of the Grant. The SBC recognizes that price is only one of the several factors that must be weighed when deciding from whom to acquire Tangible Personal Property. The requirements to obtain telephone or written bids do not mandate that Recipients patronize only the cheapest sources of Tangible Personal Property;
  - b. In acquisitions of Tangible Personal Property, no recipient shall discriminate against any vendor because of the race, creed, religion, color, national origin, or sex of such vendor. As used in this policy, "vendor" includes any person, firm, association, organization, partnership, business trust, corporation or company. Recipients are encouraged to seek out and use minority, women and small business vendors.
4. Inventory Control: Recipients must observe the following inventory control procedures:
- a. An inventory control tag should be attached to each item of Tangible Personal Property purchased with Grant Funds. These tags should be consecutively numbered and each number accounted for, unless

Recipient has a reasonable alternative numbering system;

- b. A record of each item of Tangible Personal Property must be filed with Recipient's financial records. This record should describe the Tangible Personal Property, its acquisition cost and date, the vendor from whom it was acquired and its date and method of disposition.
5. Disposal of Tangible Personal Property: The SBC retains a residual interest in any Tangible Personal Property no longer used by Recipients and in the proceeds from any disposition by Recipients of Tangible Personal Property. The Director should be informed when Tangible Personal Property has been disposed of. Recipients may dispose of surplus or unusable Tangible Personal Property by the following methods:
  - a. Recipients may transfer the Tangible Personal Property to another Recipient to be used to provide civil legal assistance to indigent persons in the same county for which the Recipient disposing of the property received the Grant to acquire the Tangible Personal Property. Recipients should obtain a transfer letter from the donee that describes the Tangible Personal Property. The donee Recipient will be bound to observe these policies as if donee Recipient acquired the Tangible Personal Property with Grant Funds.
  - b. Recipients may sell the Tangible Personal Property at fair market value. Recipients may use any reasonable method, including without limitation, advertising and sale to the highest bidder or sale price based on published industry price reports, to determine fair market value;
  - c. Tangible Personal Property that cannot be sold or donated may be destroyed or disposed of through a commercial disposal agency;
6. Sale Proceeds: Proceeds from the sale or disposition of Tangible Personal Property will be treated by Recipients as if such proceeds were Grant Funds. Recipients should account for receipt and use of such proceeds through separate line items on their Financial Statements;
7. Release of Secured Interest: The SBC will cooperate with Recipient to release any SBC secured interest against Tangible Personal Property. The SBC reserves the right to place reasonable restrictions on Recipients in connection with the SBC's agreement to release of any SBC interest.

Organization	Amount	Explanation	Triggers 75/25 Allocation Review	Staff Recommendation
California Rural Legal Assistance, Inc.	\$579,910	Mortgage debt reduction	Yes, see Attachment D.	Approve
Disability Rights California	\$615,000	DRC has included in our State Bar IOLTA funds budget capital fund for renovation costs and debt service payments in the amount of \$615,000. The funding will be used for two purposes and outcomes outlined below: 1. Pay for the construction costs associated with the expansion of our Sacramento office space to meet our office space needs in the most cost-effective manner. 2. Reduce the debt service on our Sacramento office space by paying off our second mortgage. Together, these proposals will reduce our occupancy costs by nearly \$80,000 a year. The total costs of these proposals are expected to be \$615,000 or 11% of our anticipated 2020 IOLTA grant."	No	Approve
Greater Bakersfield Legal Assistance	\$415,000	GBLA views the augmentation for this year as a much needed, one-time only expenditure opportunity to: (1) perform some much needed maintenance on our existing buildings, (2) make improvements to our workspace that will create greater workflow efficiency, allowing us to better serve the client community, and (3) potentially reducing the current debt burden associated with our purchase of these buildings several years ago. When it comes to building maintenance and upgrades, the following areas require the most attention: upgrading/renovating	Yes, see Attachment D.	Approve

Organization	Amount	Explanation	Triggers 75/25 Allocation Review	Staff Recommendation
		client bathrooms, painting the exterior of the building one uniform color, repaving the asphalt parking lot, replacing old, stained carpeting, removal of asbestos-containing material in ceilings, and relocating GBLA's main point of client entry to facilitate more efficient workflow. These improvements and upgrades are imperative to attracting and retaining a competent, qualified workforce and to making the client's experience as pleasant as possible, given their legal burdens.		
Legal Aid Foundation of Los Angeles	\$345,745	Full design package including architectural, structural, mechanical, electrical and plumbing; Environmental assessment, a 3rd party evaluation of existing conditions, including soil conditions and mitigations or abatement needed; ALTA survey to determine property boundaries, easements, existing improvements; Design/utility survey to document site conditions, existing utility locations & connection points, spot elevations, etc.; Entitlement assessment; Feasibility studies including programming & massing concepts; and Optional scope for Civil & MEP to review utility connections, stormwater requirements, etc.	No	Approve
Legal Aid Society of San Bernardino	\$332,962	Lot acquisition (\$85,000), design and rendering design for lot and building expansion (\$10-20,000); grading, paving, securing the lot (20,000); \$75,000 for technology upgrade and expansion; and \$132,962 will be leveraged with acquired and promised committed	Yes, see Attachment D.	Revise

Organization	Amount	Explanation	Triggers 75/25 Allocation Review	Staff Recommendation
		Cy Pres funds to expand our building		
Legal Services of Northern California	\$351,630	Mortgage payoff	Yes, see Attachment D.	Approve
Neighborhood Legal Services	\$200,000	NLSLA has budgeted \$200,000 in capital costs to support office infrastructure expansion. As NLSLA has grown in funding and staffing, we are in need of additional working space for the significant increase of program advocates and administrative staff. The access to capital usage funding through the expanded 2020 IOLTA grant will be a tremendous support the NLSLA's capital expansion needs.	Yes, see Attachment D.	Approve
Public Counsel	\$34,000	Construction costs for buildout of additional office space, cubicles, and wiring and cabling for high speed internet access.	No	Approve

Organization	Percentage Deviation	Explanation	Staff Recommendation
Advancing Justice – Los Angeles	IOLTA: 46% Personnel/ 54% Non-Personnel  EAF: N/A	Due to the nature of the 2020 IOLTA funding and one time allocation, our organization plans to use this funding to help reinforce the infrastructure and strengthen the resources for our current IOLTA funded programs. We plan to invest in various systems, such as updates to our case management system, new software for accounting, grants management, and human resources, and new computers and other technology to replace end-of-life equipment.	Approve
California Rural Legal Assistance, Inc.	IOLTA: 69% Program/ 31% Administrative; 68% Personnel/ 32% Non-Personnel  EAF: N/A	<p>Program: Given the unprecedented increase in IOLTA funding in 2020 as compared to 2019 levels and the uncertainty as to whether 2021 IOLTA funding will match the 2020 level, CRLA adopted a cautious budgeting approach to not unreasonably increase our base expenses in a way that may not be able to be maintained in 2021 and beyond. In order to minimize the risks that decreased 2021 IOLTA funding would require CRLA to reduce staff, we intend to spend \$579,909.70 of the 2020 IOLTA funding to reduce our long term mortgage debt obligations. This prudent budgeting decision results in an allocation less than 75% to total program expenses.</p> <p>Personnel: Given the unprecedented increase in IOLTA funding in 2020 as compared to 2019 levels and the uncertainty as to whether 2021 IOLTA funding will match the 2020 level, CRLA adopted a cautious budgeting approach to not unreasonably increase our base expenses in a way that may not be able to be maintained in 2021 and beyond. In order to minimize the risks that decreased 2021 IOLTA funding would require CRLA to reduce staff, we intend to spend \$579,909.70 of the 2020 IOLTA funding to reduce our long term mortgage debt obligations. This prudent budgeting decision results in an allocation less than 75% to total personnel expenses.</p>	Approve
Center for Gender and Refugee Studies (CGRS)	IOLTA: 63% Personnel/ 37% Non-Personnel  EAF: N/A	As explained in Form A, fortunately the increase in IOLTA funds this year comes at time when we must implement a much needed overhaul of our online TA delivery system and unique asylum case database. This overhaul requires that we contract with an outside web developer with skills in Drupal opensource software, which was used in the creation and design of our database. We have budgeted here \$47,220 toward this project. However, we will need to supplement with other funds to complete all planned improvements. Without this expense, the remainder of our non-personnel expenses amounts to approximately 25% of the total grant, even with the additional computers and investment in professional development we are planning for this upcoming year.	Approve

Organization	Percentage Deviation	Explanation	Staff Recommendation
Greater Bakersfield Legal Assistance, Inc.	IOLTA: 47% Personnel/ 53% Non-Personnel  EAF: N/A	GBLA views the augmentation for this year as a much needed, one-time only expenditure opportunity to: (1) perform some much needed maintenance on our existing buildings, (2) make improvements to our workspace that will create greater workflow efficiency, allowing us to better serve the client community, and (3) potentially reducing the current debt burden associated with our purchase of these buildings several years ago. When it comes to building maintenance and upgrades, the following areas require the most attention: upgrading/renovating client bathrooms, painting the exterior of the building one uniform color, repaving the asphalt parking lot, replacing old, stained carpeting, removal of asbestos-containing material in ceilings, and relocating GBLA's main point of client entry to facilitate more efficient workflow. These improvements and upgrades are imperative to attracting and retaining a competent, qualified workforce and to making the client's experience as pleasant as possible, given their legal burdens.	Approve
Lawyers' Committee for Civil Rights (LCCR)	IOLTA: 71% Program/ 29% Administration  EAF: N/A	With the one-time increase to IOLTA funds allocated for 2020, LCCR intends to invest in critical infrastructure that will expand the long-term capacity of the Asylum program and all free legal services for indigent clients, including: \$75,000 in technology for a case management system (including training, subscription, user licenses, and data migration), and \$7,070 for a strategic planning process (including all-day staff and board sessions and consulting).	Approve
Legal Aid of Marin	IOLTA: 36% Personnel/ 64% Non-Personnel  EAF: N/A	None provided.	Revise  It appears the variance can be accounted for, in part, with technology upgrades to case management and time tracking systems and client security upgrades (keypad, window lights).
Legal Aid Society of San Bernardino	IOLTA: 48% Personnel/ 52% Non-Personnel  EAF: N/A	This budget includes \$332,962 for a one-time capital addition that will allow LASSB to capitalize on this singular opportunity by expanding our office site. This sum will allow purchase of the vacant lot next to our building, at an estimated cost of \$85,000. It will also cover the design and rendering plans for the parking lot and building addition, at the approximate cost of \$10-20,000, as well as the actual grading and paving of the new lot, at the estimated cost of \$20,000. Approximately \$75,000 will be used to effect a technology facelift: replacing old computers, acquiring laptops for use in the clinics,	Revise  The explanation of the use of funds is lacking in specificity regarding the remaining \$132,962.



Organization	Percentage Deviation	Explanation	Staff Recommendation
		<p>upgrading our server and network, adding the software and cameras to allow Skype consultation, and an increase of our broadband to allow efficient use of the increasing number of work stations. The remaining sum of approximately \$132,962 will be leveraged with the unrestricted Cy Pres funds we have already received (\$75,000) and the anticipated Cy Pres award previously promised, to complete expansion of our office building.</p> <p>This expansion will greatly enhance the nature and frequency of services we can provide in our San Bernardino office. We currently provide services through 11 different locations in this vast county and 1 site in Riverside County. Our current 24-member staff travel from various clinics to the home office where 16 workstations are shared on a rotating basis to complete their work. These space limitations restrict the days and hours of client intake. With additional space and dedicated workstations, we could increase the days and hours of client intake through our main office while our clinic crew continues all of our satellite clinics.</p> <p>The spending deadline for these funds was a major consideration in designing this project. We want to answer the burgeoning call for increased homelessness prevention services in a manner that will not expire with the expenditure of these funds. We believe the proposed use of this one-time grant will launch a lasting impact: it will expand our service hours, optimize and increase services to our clients, and promote our brand as legal service providers who protect so many disenfranchised souls. It will also allow us the space to offer trainings and host events to expand our non-profit network and develop collaborative projects.</p> <p>With this unique funding opportunity, we can purchase and pave the vacant lot next to our office. We will then use acquired and promised Cy Pres funds to expand our existing building. This will allow LASSB the space to maintain a full-time presence and extend service hours in our home office. This fantastic opportunity will allow us to consolidate our existing services into one permanent site and expand the days and hours of service there while continuing and expanding all of our off-site clinics. This approach will also allow us to preserve and capitalize on our current equity and minimize the costs of expansion, while expanding our presence to allow extended days and hours for our clients. This is especially important to our housing project, as it will allow an increase of service from 8 to nearly 40 hours each week. These increased service hours are extremely important for our homelessness prevention work as those clients face 5-10 day statutory time limits at each stage of the case. This proposed use of the funding will also help to protect and preserve our clients and staff by affording a protected parking and waiting area, allowing all to complete their casework without suffering parking citations, recurring trips to move their cars, or open exposure to vandalism of their vehicles.</p>	

Organization	Percentage Deviation	Explanation	Staff Recommendation
Legal Services of Northern California	IOLTA: 67% Personnel/ 33% Non-Personnel  EAF: N/A	<p>The proposed budget slightly exceeds the recommended percentages in that it provides for 33% in non-personnel expenditures. The reduction in personnel expenses over last year is due to the sudden and very sharp increase in next year's allocation, combined with our challenges over the past two years (challenges shared by much of the IOLTA community) in recruiting and hiring sufficient law graduates/attorneys to meet the increased amount of core legal services funding. In an effort to be more competitive in our recruiting efforts, we have increased staff compensation twice in the last two years, and anticipate we will do so again next year when collective bargaining begins with our employee union. We also have put additional time and resources into our attorney recruiting and hiring program, and those efforts are already beginning to produce results. But currently we are unable to meet the usual percentage of personnel expenditures in our budget.</p> <p>We propose to include in our non-personnel expenses a substantial pre-payment of space costs for one of our main Sacramento office buildings (501 12th Street) which helps provide for the administration of our program. This payment, in the amount of \$351,630, will free up eight years of future monthly mortgage payments (most of which would simply go to interest/debt service), which instead will be used by LSNC to provide direct services, and primarily personnel-related direct services, to our clients. We also anticipate that in some or many of those years, LSNC's core funding allocations, including IOLTA, will be significantly less than in 2020, making those savings in future years even more critical for our budget and our operations.</p> <p>Although it appears that most of the IOLTA guidelines for the "purchase" of real property are not applicable to this prepayment cost, LSNC nevertheless, in accordance with those guidelines, hereby commits that any and all proceeds from any transfer of the property at issue (501 12th Street, Sacramento, California) will be used in accordance with the IOLTA Act and regulations. LSNC also commits to provide the Commission with an appropriate security interest in the property upon the pre-payment. LSNC has no intention to transfer or otherwise encumber this property at any time in the foreseeable future.</p> <p>For all of these reasons LSNC's proposed budget this year includes non-personnel expenses of 33.1%, rather than 25%.</p>	Approve

Organization	Percentage Deviation	Explanation	Staff Recommendation
Los Angeles County Bar Association	IOLTA: N/A  EAF: 61% Personnel/ 39% Non-Personnel	We used an outside attorney to coordinate Pro-Bono activities, and allocated \$27,600 for her services, which decreased the salaries by 29%.	Approve
Neighborhood Legal Services	IOLTA: 72% Personnel/ 28% Non-Personnel  EAF: N/A	NLSLA has proposed an IOLTA budget with a personnel allocation of slightly less than 75% ~ 71.85%. NLSLA seeks to utilize \$200,000 of the IOLTA funds for one time building renovation and infrastructure improvement costs. As NLSLA has significantly grown in the last 5 years, we need to expand our office capacity to support the significant growth in advocacy and program staff. The access to capital improvement funding through this expanded 2020 IOLTA funding is critical to supporting our demanding infrastructure expansion needs.	Approve
Riverside Legal Aid	IOLTA: 71% Personnel/ 29% Non-Personnel  EAF: N/A	Contract services to clients includes \$37,250 for RLA contract attorneys which is actually a personnel expense. Including this amount in Personnel brings the total IOLTA Personnel Expenditures to \$297,906 which is 77% of the total IOLTA grant.	Approve

Business and Professions Code §6213(a)(1): “Qualified legal services project” means ... 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.

State Bar Rule 3.672(A): “‘Legal services’ include all professional services provided by a licensee of the State Bar and similar or complementary services of a law student or paralegal under the supervision and control of a licensee of the State Bar in accordance with law.”

Organization	Background and Staff Description of Proposed Activity	Staff Recommendation
California Indian Legal Services (CILS)	<p><b>1928 Census:</b> In 1928 the BIA undertook a specialized “census” which was intended, and has been used ever since, to establish eligibility for Federal benefits. Information from that census is still used today by the BIA to prepare Certified Degree of Indian Blood (CDIB) cards, which establish eligibility for benefits for individuals from tribes that are not federally recognized. Eligibility is based on the person’s descendants and “blood degree;” the blood degree data comes directly from the 1928 census. The BIA is reportedly required by law and policy to rely on the 1928 census as an official government document, but errors in that census in 1928 are resulting in the government’s production of inaccurate documents. Those inaccurate documents lead to denials of medical services, education assistance, and housing assistance. CILS seeks to make the BIA stop treating the 1928 census as conclusive evidence of descendancy and blood degree, so the BIA-issued CDIB cards can be more accurate, and all eligible individuals can get the benefits to which they are entitled.</p> <p>In one representative case, a client had been denied benefits due to an insufficient blood degree listed on her CDIB card. The BIA refused to issue a corrected card despite evidence that the 1928 data was wrong and her actual blood degree was higher. CILS brought her claim using documents from the National Archives – petitioning first to the local Northern</p>	<p>Approve, pending further review of the activities during codification.</p> <p>This is a novel request, representing a “gray area” and raising questions regarding use of IOLTA grant funds to “solely to defray the costs of providing legal services to indigent persons or for such other purposes as set forth in this article.” [Business and Professions Code section 6218(A).] It warrants further analysis through the upcoming codification process.</p>

Organization	Background and Staff Description of Proposed Activity	Staff Recommendation
	<p>California BIA office, and then to their Pacific Regional Office; further escalation to the Division of Tribal Government Services in Washington DC was only precluded by intervention by the BIA's Solicitor General, who resolved the matter in favor of the client. CILS hopes that a wholesale review of the census itself, will facilitate correction of such errors going forward.</p> <p><b>Water Reconnaissance Study:</b> Primacy of water rights for California's reservations and Rancherias depends on the date on which the reservation or Rancheria was established. In 1991 the BIA commissioned CILS to prepare a comprehensive tribal and Indian water rights study, to clarify the respective status of these water rights. In the ensuing 28 years, those rights and relationships have been impacted by the termination of recognition of some tribes, the new recognition of other tribes, and the re-establishment of some terminated tribes, together with substantial case law and the passage of the 2014 California Sustainability Groundwater Management Act. Today, the 1991 document is no longer an accurate or effective tool for clarifying the status of tribal water rights. After updating the study, CILS could provide it as a tool for tribes receiving technical assistance, or could use themselves while providing full representation in potential water rights claims or litigation.</p>	
Dependency Advocacy Center (DAC)	DAC is a new grantee that proposes to use both the IOLTA and EAF allocations to fund 2.0 FTE social workers and 0.25 FTE attorney supervisor to support their legal teams. DAC's EAF budget proposal is to specifically fund social workers for their youth clients. DAC utilizes an interdisciplinary advocacy model, which is a best practice for representation in child welfare proceedings. The social workers' activities include: "conducting assessments, producing written reports for the	<p>Approve</p> <p>In the past, the State Bar has funded social workers as a part of a project so long as the social worker activities are integral to the legal strategy or outcome.</p>

Organization	Background and Staff Description of Proposed Activity	Staff Recommendation
	attorneys and the court, participating in Child and Family Team meetings and court Mediations, attending legal hearings, visiting youth clients in their home and the community, observing family time visits between the parent and child, and offering expert testimony.”	
Eviction Defense Collaborative (EDC)	EDC is a new grantee that proposes to use the IOLTA allocation to fund 0.68 FTE social workers and 0.03 FTE executive director, and the EAF allocation to fund 0.32 FTE social workers to support their litigation teams. EDC’s IOLTA and EAF budget proposals will specifically fund social workers who will be paired with litigation clients that are most at risk of becoming homeless. Social workers will be assigned to an attorney and paralegal litigation team on an eviction case when the client is a senior, or has a disability or extremely low income. EDC anticipates that litigation clients who are paired with social workers will have a greater likelihood of staying in their home and/or avoiding homelessness and that the addition of a social worker will ensure that EDC attorneys are able to provide free civil legal services to as many indigent clients as possible. The social workers’ duties will include: “(1) Meeting clients in various settings, such as home, shelters, public benefits offices, and court. (2) Supporting clients in identifying their needs, setting goals, and developing structure plan for achieving those goals through appropriate evidence-based clinical practices. (3) Providing crisis intervention and crisis counseling. (4) Developing emergency safety plans and long term plans as a team with the client and attorney. (5) Helping clients connect to housing support services, physical and mental health services, and substance abuse treatment as needed. (6) Supporting clients’ applications to various benefits programs and at hearings, appointments, and meditation sessions.”	Approve  In the past, the State Bar has funded social workers as a part of a project so long as the social worker activities are integral to the legal strategy or outcome.
Public Advocates	Public Advocates, Inc (Public Advocates) is a QLSP that proposes to use the IOLTA allocation to fund impact litigation and advocacy activities	Approve

Organization	Background and Staff Description of Proposed Activity	Staff Recommendation
	<p>related to their Education Equity and Metropolitan Equity programs, and their EAF allocation to fund policy and legal analysis and to provide technical assistance to organizations related to their Education Equity program. Public Advocates applies free or reduced lunch statistics as a proxy for indigency for their Education Equity activities, and statistics on California workers who rely on public transit to commute to work and HUD Area Median Family Income levels for their Metropolitan Equity work. The proposed activities are intended to have a statewide impact affecting all counties and as such, the majority of grant funds will be allocated to all 58 counties based on census data rather than the county in which services will be provided.</p>	<p>With a primary focus on impact litigation and advocacy rather than providing the direct services and direct representation traditionally associated with a QLSP, there are no individual clients to screen for eligibility according to B&amp;P 6213(d). The Eligibility and Budget Review Committee voted on April 23, 2019 to not approve free/reduced lunch statistics as a proxy for indigency in all impact litigation and advocacy activities, instead opting to determine eligibility of each individual activity pending the completion of the codification process. Historically, the majority of Public Advocates, Inc's activities have been approved as eligible. Public Advocates' by county allocation methodology was approved for 2020 funding during the 2020 IOLTA and EAF application and eligibility review process.</p>

**Budget Summary****Project title:** 2990-IOLTA LSP-2020-California Indian Legal Services-9**Budget Year:** 2020**Organization:** California Indian Legal Services**General****Late Submission:****FORM A -IOLTA Budget Description****1. IOLTA grant allocation:** \$434,960**2. How will the grant be utilized to provide free civil legal services to indigent persons in California [Business & Professions Code §6218(a)]?**

The overwhelming majority of our cases involve laws, regulations, and issues unique to Native Americans. CILS is the only legal aid organization in the state of California devoted to these issues and performs a critical role within the Indian community. For most California Indians seeking to protect their distinct legal rights, CILS remains the only resource available. Grant funds will be spent proportionally throughout the state on matters that fall within our substantive priorities. Funds will be spent helping eligible individual Native Americans and their families, and assisting Indian tribes and Indian organizations that do not have the resources to retain private legal counsel. In addition, CILS will devote the IOLTA grant funds toward the development of community legal education materials, training, and education of the Bench and Bar. CILS has continued to deliver services over the last several years decade with significantly reduced income from tribal fees and grants and therefore CILS relies heavily on the grants received through the California State Bar programs.

Our services and projects are targeted at low-income Native Americans and tribes in all 58 California counties. The 2010 Census data showed Native Americans make up 0.4% of the total population in California and 22% of Native Americans were living at or below 125% of the federal poverty limit. The 2017 U.S. American Community Survey (ACS), the data shows a 6% increase in California's population from 2010 of which Native Americans make up 0.7% of the total population in California. Native Americans are more than twice as likely as Caucasians to have an income below the poverty level. According to the 2017 ACS, 28.3% of Native Americans in California live at or below 125% of the federal poverty limit which is our cutoff for financial eligibility for individuals to qualify for free receive legal services under the IOLTA grant guidelines.

**a. What results or outcomes do you anticipate from the specified use of grant funds?**

We hope the services provided under these grants will result in a more educated Bench and Bar in the area of Indian Child Welfare as well as help foster the long-term strengthening of California's Indian communities in terms of socio-economic wellbeing, self-governance, and political and cultural stability. In the broadest sense, we hope to help Indian people and Indian tribes create healthier communities where Indian people are better provided for.

**b. How does the IOLTA grant fit into the overall budget of the organization? For example, are the funds allocated evenly across all qualified expenditures for both personnel and non-personnel expenses, are they designated for specific positions or projects, are they used to leverage a match for other grants, etc.?**



CILS is a long-time beneficiary of IOLTA funding and we continue to rely on this funding in order to maintain the core programs and services we provide to our clients. CILS, like every legal service funded program, operates under a set of priorities established by our service community. These priorities direct our work, resource allocation, and staffing. CILS' approach to our work with IOLTA funding for 2020 will be guided by the priorities that have been adopted in direct response to our tribal community needs. The following are the most prominent priorities and encompass the legal services we provide our individual Native American clients and tribes as well as tribal organizations. A description of our past, current and proposed 2020 work is provided under priority:

**Preserve and enhance the California Indian land base:** Most California tribes in California are confined to a limited land bases with few to no natural resources to draw from. Tribes are in need of additional land to accommodate growing membership, expansion of tribal facilities, and community facilities, to establish tribal businesses or expand existing businesses. CILS has, does and will continue to assist tribes in acquiring land and having such lands placed in trust by the Bureau of Indian Affairs (BIA.) The "fee-to-trust" application process, as it is commonly known as, is extensive, time consuming and lengthy. CILS also provides assistance to individuals Native Americans with placing their fee lands into trust status for housing purposes. Our work under this priority also includes assisting Native Americans who hold small fractionated interests in an Indian allotment to sell the interest to their tribe. There is currently limited funding through the BIA's "Buy Back" program to assist with the purchase of these small land interests and transferring them to the seller's tribe. This is a "win-win" program for both the tribal member and his or her tribe. Issues surrounding the preservation and protection of tribal lands constantly emerge and CILS continues to meet these challenges with the support of funding from IOLTA.

**Developing and/or enhancing tribal public safety through tribal courts, law enforcement and cooperation with local and state authorities:** Although the state has concurrent criminal jurisdiction in California Indian Country, tribes have long found that state law enforcement does not and in some cases cannot meet the their communities' public safety needs. Tribes have determined that only through the development of their own justice systems will they be able to ensure that criminal activity is addressed on their lands. Assistance with developing these justice systems has been a center piece of CILS' work for decades. CILS has, does and will continue to assist with developing law enforcement agencies, building tribal courts, drafting codes and policies, provide trainings to tribal, statewide and local law enforcement, and working with local law enforcement and state courts on numerous issues, assist with tribal grant writing, and when necessary instituting litigation against federal and state governments to protect tribal inherent authority.

CILS' work includes has and continues to be working with tribal organizations (which CILS was instrumental in establishing) it helped to organize) such as the California Tribal Police Chiefs Association and the California Tribal Court Judges' Association to bring a unified voice to California specific issues such as lack of funding and resources. Our tribes have made enormous advances in building their justice systems over the years and CILS, with funding from IOLTA, will continue to be there to help.

**Secure and protect the civil rights of Indians in California:** CILS has, does and will continue to fight for the civil rights of its Native American clients. This work encompasses fighting school discrimination against Native American students, the freedom of students to wear cultural and traditional regalia at their high school graduation, continuing to enforce state agencies and financial institutions to accept and acknowledge tribal identification as sufficient proof for notary purposes, acceptance by DMV to accept and acknowledge tribal court orders for name changes for purposes of issuance of new drivers' licenses, and ensure that the rights of Native Americans' rights under the Canadian/United States Jay Treaty are recognized and protected. This work would will be severely limited or impossible without the continuing financial support of IOLTA funding.

Protection of Indian families and children under the Indian Child Welfare Act: A major focus of CILS' work is protecting Native American families and tribal rights under the federal Indian Child Welfare Act (ICWA) and state Welfare & Institution Code. Our work in this area is multi-faceted. CILS provides direct representation of tribes in state dependency and guardianship cases.

Intervention by tribes in these cases ensures that federal and state laws are being followed and the rights secured under such laws are being protected. Our intervention in ICWA cases also has led to appellate decisions that have had major impacts on ICWA compliance statewide. CILS provides extensive ICWA training to tribal ICWA Advocates, tribes, tribal communities, state social workers and staff, and state court judges. These trainings come in all varieties from brief overviews of the law to a full day or two of intense advocacy work. In addition to in-person trainings, CILS has published the well-known and widely used "ICWA Benchguide" and more recently the "ICWA Tribal Advocates Handbook." These materials are free of charge and accessible through our website.

CILS also is active on statewide and local ICWA working groups and roundtables. CILS' goal and objective in working with state and local agencies that deal with the ICWA is to educate them on the law and hopefully ensure compliance with the protections afforded to Native American families. Building these alliances and cooperation has proven to improve relationships between tribes and their local social service agencies.

Finally, CILS works with and will continue to work with tribes in building their court systems and adopting tribal Children's Codes so that state dependency cases involving their families may be heard and decided in a tribal forum. CILS also assists tribes in pursuing federal Title IV-E funding to establish and support tribal social services programs and provide financial support for tribal foster care families. This work dovetails into CILS' other priority of supporting the development of tribal justice systems.

Protection and preservation of Indian cultural resources, sites and sacred objects: Expanded development throughout California's urban and not so urban areas brings increased encroachment on cultural resources, sites and sacred objects. Tribes continue to strive to protect their sacred areas through existing federal and state resource protection laws. CILS has long fought for the protection of tribal cultural and sacred sites by appearing before county zoning boards, planning departments, state Cal-Trans, state and federal Fish and Game departments, federal land agencies (BLM, NPS, Forest Service, Department of Defense) and private land owners and developers. Our work involves negotiating, mitigating and litigating.

Assisting Indian allottees with protecting their land from trespasses, taxation, and preserving the land under the American Indian Probate Reform Act (AIPRA): Many California Native Americans hold individual allotments, which are federal lands issued to them from the federal government for homesites and other purposes. While these lands are exempt from state taxation and regulation, they are nonetheless encroached upon by county tax assessors and neighbors. With little to no assistance from the BIA, who is the trustee over the land, CILS has, does and will continue to represent allottees in fighting improper county tax assessments, trespasses over their land, pollution from outside sources, and other encroachments.

It is also critical for allottees to plan for the future disposition of their lands through the AIPRA. This Act is designed to prevent the continual fractionation of allotment interests through intestate. Allottees are encouraged to execute wills to avoid some of the harsh outcomes under AIPRA such as interests less than 5% going to allottee's eldest child or escheat to the tribe. CILS provides tribal community trainings on the AIPRA, holds will drafting clinics and prepares wills for walk in clients. Our will services have become a staple in each office and something our tribal members rely on heavily.

Facilitate the development of Indian community economies in California: Building strong tribal communities takes revenue.

While some tribes in California have been fortunate to take advantage of gaming, the majority of tribes, if not more, have no gaming facilities. There are 110 federally recognized tribes in California and are mostly located in remote rural areas making economic development a challenge.

CILS works with tribes to first build the internal infrastructure needed to engage in economic opportunities, such as forming Economic Development entities to evaluate and assess proposed development opportunities. We assist with code development to ensure the tribe has strong laws to protect their environment, resources and communities from “get rich fast” schemes and scams. We provide tribes contract review, assistance in finding sound financial institutions or government grants and loans to support their projects. We will provide legal advice on taxation, regulations, and other compliance matters that may come into play depending on the nature of the economic development. Assist with the leasing of tribal lands through the BIA’s leasing regulations for approval of tribal leases and process if necessary. CILS’ work is centered on making sound and profitable economic opportunities for tribes that not only build tribal revenue but provide employment and advancement for their tribal members.

Provide community education and training to California Indian communities and tribal and Indian organizations: Training and community education is a component of each of the priorities listed and discussed above. From understanding tribal jurisdiction under Public Law 280, to the ICWA, to cultural resource protection laws, to the AIPRA, our training and education program is engrained in all aspects of our legal work. As new issues emerge in Indian Country, CILS brings the information to its client and communities often through community presentations and education. CILS has learned over its past 521 years that tribal people like one on one contact and an opportunity to ask questions. Our list of training areas is ever changing depending on the need of our client community. For example, over the last year CILS provided community education presentations across the state in rural areas with a high concentration of interest holders of Public Domain Allotments to inform them of their rights and the United States’ responsibilities to the allottees lands. This has resulted in the formation of a California non-profit corporation with state and federal tax exempt status that can harness the energy of the stakeholder community to help address their frustratingly stubborn unmet needs as beneficial owners of California land and natural resource assets. rooted in their history as the aboriginal people of California. These needs include their ongoing recognition as participants in the vibrant California Native political community and their unified interests as stakeholders in that community, especially in relation to the United States and the trust management of their natural resources. CILS provides a complete and updated list of training topics on its website and provides trainings on areas not lists if requested by tribes. As noted the list is updated as new issues emerge.

## Staffing Classification

Positions	FTEs	Description of Work
Attorneys	1.72	Intake supervision, case acceptance and management, research, outreach, participation in community forums, community education preparation and presentations, drafting self-help materials, individual/tribal representation providing limited and extensive services (litigation and non-litigation).
Paralegals	0.47	Client intake, research, case/client/self-help material drafting/outreach/community education assistance and support as directed and supervised by attorneys.
Other	1.33	Supporting clerical and administrative activities for attorney and paralegal staff.
	0.00	
	0.00	

Total	3.52
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## FORM B -EAF Budget Description

1. EAF grant allocation: \$184,040

2. Describe the activity, or set of activities, you propose to fund with the EAF grant. If you propose more than one set of activities, please number and describe each of them separately.

Project #1: Updating the CILS ICWA Bench Guide: CILS last updated its ICWA "Bench Guide" in 2012. In 2019, CILS proposed the updating of the Bench Guide in light of changes in state statutory and case law, county policies, and new Bureau of Indian Affairs (BIA) guidelines and regulations. CILS will use its EAF funding to continue this project which has been arduous but also encountered a setback due to a constitutional challenge to the ICWA by non-Indian families who sought to adopt Native American children and the states of Texas, Louisiana and Indiana. The federal district court held in favor of the plaintiffs in October of 2018. The case was appealed to the 5th Circuit Court of Appeals and there was a massive effort to contact California tribes and tribal organizations seeking their support and consent to signing on to a national tribal amicus brief. Working with other tribal groups, over 70 of the 110 tribes and numerous tribal organizations signed the amicus brief. This effort delay work on the Bench Guide and also caused CILS to act cautiously as state County Counsels were also bringing up the constitutionality of the ICWA in California dependency cases.

The Circuit Court reversed the lower court August 9, 2019 finding that the ICWA and implementing regulations were constitutional. Work on the Bench Guide continued through this appeals process and will hopefully conclude our work in 2020.

Work on the Bench Guide Project has included but is not limited to:

Collecting and reviewing relevant ICWA cases. CILS is considering posting all the cases on a password protected site and offer a one-stop shop for California case law relating to the ICWA (from 2012 onward). Additional "All Countywide Letters (ACL)" have been collected which are issued by the state Department of Social Services that provide guidance to Counties on how to implement provisions of the ICWA and state law. Adding new Sections in the updated Bench Guide addressing: (1) the intersection between the new Resource Family Assessments and Tribally Approved Homes, (2) tribal participation in non-minor dependent cases (small section), (3) a small section about funding for foster care placement, and (4) expanding the Tribal Customary Adoption section. Editing has been done as sections are being drafted and a new formatting is being considered which will track the state dependency process and law instead of the 2012 Benchguide Guide that was organized around the provisions of the ICWA. This approach may prove to be more effective for state court judges hearing a dependency case.

Project #2: Researching the 1928 California Indian Census: On May 18, 1928 Congress passed the Indians of California Census Roll Act that authorized the attorney general of California to bring suit in the U.S. Court of Claims on behalf of the Indians of California for benefits they would have received under the 18 treaties negotiated with the U.S. These treaties were submitted to the Senate for ratification on June 1, 1852, but were never ratified. Section 6 of the Act stipulated that no part of any judgment should be paid out in cash on a per capita basis. Rather, a trust fund should be established, with appropriations made by Congress, for educational, health, industrial, and other purposes benefiting the California Indians.

A massive undertaking was conducted of counting and collecting personal information on every California Indian that was living

in the state as of June 1, 1852. This Census included, among other information, the blood degree of the Indian completing the 1928 Application. Today the 1928 Census is the official and sole source used by the BIA to determine the blood degree of all modern day California Indians. CILS has discovered that the 1928 Census methodology and the collecting of the application information was seriously flawed. These errors have resulted in current day Indians unable to establish their true and correct blood degree to qualify them for services and in some cases membership in their tribe.

CILS proposes doing in-depth look at the 1928 Census process by looking at historical records including the field notes from BIA agents who collected the information from applicants and other Census records that demonstrate the BIA's methodology was inaccurate and numerous errors were recorded. CILS will then use a representative sampling of existing and former low income clients, to compare the recorded blood degree on the 1928 Application with other historical documents and earlier censuses to show the disparity between the blood degree relied upon by the BIA and the blood degree supported by other reliable and creditable documentation. The goal of this project is challenge the BIA's reliance on the 1928 Census as the absolute and sole authority for determining the blood degree of California Indians. This challenge may take the form of a claim against the BIA filed by our client or through the BIA policy process. If successful the outcome of the Project could have major impacts on clients who are or have been denied federal and in some cases tribal, benefits due to the erroneous recording of their blood degree based on the 1928 Census.

Project #3: Updating the 1991 California Indian Water Rights and Resources Reconnaissance Study: In 1991 through a federal grant, CILS prepared a Water Rights and Resources Reconnaissance Study (Study) which provided a legal overview of Indian water right and also geographical and other information on every California tribe. Over the last 28 years since the Study was issued there has been significant legal changes in the area of tribal water rights and the addition of new tribes having been recognized by the federal government. CILS proposes to update the Study with current water rights law and also adding newer tribes within the Study.

Specific attention will be given to tribes that were terminated under the 1958 Rancheria Termination Act. Under this Act 41 California tribes were slated for termination and tribal lands were divide and allotted to individual members. By an amendment in 1964, 7 more tribe were added to the list to be terminated. Of the 51, 46 California tribes were ultimately terminated. Through litigation, in large part brought by CILS challenging the termination, 30 of these 46 tribes have been restored.

As a general matter water rights are determined, in part, by the date upon which the tribe's reservation was established. An ongoing question asked by nearly all of the restored tribes is in determining their water rights what date is controlling: when they were initially established or when they were restored as tribes? CILS proposes doing a comprehensive review all of the restored tribes, the circumstances of their restoration and establishment of new land bases, and a legal decrees and judgments that restored them to federal status. The goal of this project is to provide restored tribes a historical and hopefully informative understanding of tribal water rights law to guide them in their pursuit to establish their water rights. The California Sustainable Groundwater Management Act has encouraged many tribes to establish their water rights so that they can be better managed by the tribe but also in relationship with other local groundwater users. Without established water rights, tribes are unable to protect their water from appropriation, protection from pollution, and make decisions on sustainable growth and economic development.

**a. What results or outcomes do you anticipate from the specified use(s) of grant funds, and how will you evaluate progress towards achieving identified results or outcomes?**

Project #1. Results from an update 2020 ICWA Bench Guide with a dedicated ICWA repository of ICWA cases from 2012 to

2020 for advocates will hopefully result in a more educated judiciary and bar. The Guide will act as quick and reliable resource for judges while actively deciding cases based on the most recent case law. Advocates will be better informed and can effectively represent their clients. ICWA cases continue to be a source of confusion for both judges and attorneys representing the County, the parents, and the minor. The goal of Bench Guide is to inform these players of the pertinent law (both statutory and case law) resulting in better outcomes for Indian families and tribes.

Project #2. The major outcome of exposing the flaws and errors of the 1928 Census process is the acknowledgement and willingness of the BIA to look at other historical documentation that is both more reliable and creditable when determining a California Indian's blood degree. Currently, CILS has a case directly challenging the BIA's reliance on the 1928 blood degree of a family by showing other evidence the blood degree of the family's ancestor was incorrectly transcribed by the 1928 Census taker. If this challenge is successful, the family members will be seen as members of their tribe and eligible for full federal benefits.

Project #3. The results of CILS' historical and legal water rights research will provide restored tribes without established water rights, a starting place date upon which to assert their water rights. As noted above quantified water rights is primary method upon which tribes can protect their rights and make informed decisions for future sustainable growth.

b. For each activity, or set of activities, describe generally the categories of staff that will be funded, the services each category of staff will provide or the activities they will undertake, and the particular outcomes and goals associated with those activities.

Project #1 is currently being led by one of our top ICWA attorneys and the work is supported by other attorneys who work extensive in the area of ICWA. All attorney staff will be used to review and edit the draft Bench Guide before it is finalized.

Projects #2 and #3 will be combination of a lead attorney but will also involve law clerks that CILS will be utilizing through a project with UC Berkeley's School of Law. Both projects will require historical research that is collected from archives and other obscure places. CILS also has numerous in-house historical files and documents collected through its many years of working with restored tribes and the litigation that resulted in their tribal status. CILS works most effectively with one lead attorney on a Project who delegates and works with other attorney staff or volunteers. This approach will be used on all of CILS' Projects.

c. How does the EAF grant fit into the overall budget of the organization? For example, are the funds designated for specific positions or projects, are they used to leverage a match for other grants, etc.?

The Equal Access grant provides a critical piece of funding for CILS to provide the services included in these projects. Were it not for our Equal Access funding, we would certainly have to eliminate one or more key components of these projects – for example, not providing the breadth of assistance on AIPRA and related issues or eliminating our ICWA publication work, in addition to reducing the overall number of project workshops, materials and trainings we provide.

Categories	EAF Grant Funds		Other Funds		Totals for Funded Activities
	# of Positions	FTEs	# of Positions	FTEs	FTEs
Attorneys	10	0.73	10	9.41	10.14
Paralegals	3	0.20	3	2.40	2.60
Other	8	0.57	8	6.00	6.57



## FORM C - Compliance Assurance

**1. How will the organization ensure IOLTA and EAF grants are used only to provide free civil legal services to indigent persons in California as defined in the statute and rules?**

CILS's primary sources of income are from IOLTA, EAF and LSC. All three grants use a percentage of the Federal Poverty Level (FPL) to determine eligibility and these financial eligibility requirements must be followed in order for CILS to provide free legal services to clients (and maintain eligibility for future funding). Further, pursuant to 45 CFR 1611 and CILS's internal policy, client financial eligibility is updated annually when the FPL is released. Therefore, all of CILS's intake practices were designed with these policies and procedures. CILS utilizes its case management system's various funding source codes to allow us to directly allocate eligible client hours and expenses to our various funding sources. Therefore, quality control at CILS begins with the intake process. All intake and case services are subject to stringent quality control per policy and procedure.

Compliance is checked several times during the intake process – first by the intake worker, aided by the computer/case management system, next by the advocate handling the intake, and finally by Directing Attorneys at the weekly case acceptance meetings (for extended service cases). Once the case is opened, Directing Attorneys periodically review the case file and the time records in conjunction with quarterly case reviews and on a more cursory level at weekly case acceptance meetings. When the case is closed, the case closing form is reviewed by the Directing Attorney and a closed case audit is performed on the case or intake. One of the major components of the closed case audit is a thorough compliance review to ensure clients were served under the appropriate grant and meet all the compliance requirements of the grant funding.

**a. How do you screen at intake for income and other eligibility information?**

Pursuant to CILS's intake and compliance policies and procedures (which includes client eligibility), a client's eligibility is verified prior to accepting the case for service during the intake screening process. Based on the information provided by the individual during the intake, CILS staff use the eligibility tab in the Case Management System (CMS) to collect and enter information on the client's legal issue(s), demographics, household size, type and amount of income and assets received by the client's household requesting services. If the client's legal issue is permissible within CILS's priorities and their income and assets are within the annual guideline (125% of the federal poverty income guideline) for their household size, they are deemed eligible for legal services. The intake worker or advocate conducting the intake will sign the intake sheet that contains the eligibility information to affirm that they verbally confirmed the information with the client is correct for all limited service cases where there is no in-person contact. In any cases where there is any in-person contact, the client will sign the intake sheet verifying the financial eligibility information provided. For extensive service cases, we require the client update and sign the intake sheet verifying the financial eligibility information on an annual basis. CILS uses the annual federal poverty income guideline issue by the Health and Human Services agency at the beginning of each calendar year. CILS' Board of Trustees also approves this as part of CILS's client eligibility policy along with program priorities on an annual basis.

**b. Describe any other relevant practices to ensure funds are spent only for qualified legal services.**

The Executive Director is responsible for the overall management and coordination of the legal work of the field offices, and relies on the Directing Attorney staff to assist in these processes. The Executive Director is responsible for the dissemination of information to field offices concerning significant judicial, administrative and legislative developments; advice and cocounseling on major cases; mentoring new attorneys; developing and implementing, in consultation with the Executive

Director, uniform program case acceptance and management policies and procedures; and serving as liaison between the program and client tribes, public agencies, and the media on litigation matters. The Executive Director obtains an overall picture of the legal work of each field office, including case type and complexity, commitment of program resources, and the potential need for litigation support, through review of case opening and closing memoranda and by attending each office's weekly case acceptance meetings with all attorneys and separate meetings with senior attorneys on case related matters. In addition, the Executive Director visits each field office at least once per year. This oversight allows the Executive Director to assess, in consultation with staff whether or not program resources are being spent in accordance with the terms of the funding and CILS's own internal process of allocating direct expenses and a pro rata share of indirect costs to each funding source as appropriate.

The Director of Administration is in charge of grant compliance and works closely with the Executive Director to ensure compliance of CILS' grants. When compliance questions arise the Director of Administration and the Executive Director jointly review applicable regulations and guidelines before sharing with the staff any new changes or revisions to current compliance practices. Each employee has a compliance manual with all of the requisite regulations, prohibitions, policies and publications on case management. These binders are updated on as needed basis. Each office conducts an internal compliance audit on all cases closed during the month. The Director of Administration also samples random cases and intakes quarterly. This internal auditing ensures each office is providing permissible legal services to eligible clients under the IOLTA and EAF grants.

**2. Significant efforts must be made to use 20 percent of the IOLTA and EAF grants for increasing the availability of services to members of especially disadvantaged and underserved client groups (Business & Professions code Section 6221). What constituency(ies) will you serve with 20 percent of the grant allocations for IOLTA and EAF?**

CILS will allocate at least 20% of our IOLTA and EAF funds to target Native American elders (Elders) for trust asset education and individual representation for will drafting in compliance with the American Indian Probate Reform Act (AIPRA.) There remains an ongoing critical need for an active community response to the unique area of Indian probate of Indian allotments for Elders. CILS will focus on 2 classes of Elders for its 20% grant allocation: Elders who are members of federally recognized tribes and those Elders who are not but have an Indian allotment. The latter category of Elders will be reached through our EAF project work with allottees described above. Under AIPRA special provision is made for the class of allottees who are not members of a federally recognized tribe. These allottees are deemed eligible to transfer their allotment interests to a family member, even though he or she is not a member of a federally recognized tribe. This class of Elders are often hard to reach for our services (training and will drafting clinic) since they are not living in an established tribal community which is where our training and community educational programs are held, as well as our will drafting clinics. According to the U.S. Census, between 2012 and 2050, the United States will experience community education considerable growth in its older population. Native American elders have many of the same needs as other elder populations; however services to address these needs remain unavailable, underdeveloped or inaccessible in most Native American communities. Native elders comprise a rapidly growing population in the United States. Especially disadvantaged are the many elderly landowners who reside in remote areas of Indian reservations where adequate estate planning services are simply unavailable. Furthermore, many of these elders cannot travel nor afford adequate estate planning services. Since the Bureau of Indian Affairs ended its will drafting services years ago, CILS is the only organization (including referral) for elder, low-income Native Americans in California to receive appropriate estate planning services to protect their land. This need began to rise again among the California Native community and our offices are being contacted for AIPRA wills as a result of the Public Domain Allotment community education done across the state during the last year.

**a. Why do you consider this constituency to be of special need?**



Many elder Indian allottees are unaware of the importance of having an Indian will or the consequences of not having one. There are thousands of allottee interest holders in California, most are low-income and live in remote and rural areas. As discussed above Elders who are not members of federally recognized tribes create even a great challenge in that they do not live within an established tribal community but on their remote and often isolated allotment. Reaching this vulnerable population is challenging but important to ensure their Indian land is consolidated in an unconsented manner or subject to escheat to the tribe. Therefore, California's native communities must continue to be informed and educated, and provided direct services in this specific area of Indian law and related tribal and state probate issues in order to understand how best to respond as to maintain control over how and to whom their trust allotments are passed on. For allottees who are members of a federally recognized tribe, we encourage the tribe adopt their own Probate Code, with Bureau of Indian Affairs approval, and probate Indian allotments. This tribal option under AIPRA provides an important avenue towards tribal autonomy. By advising tribal leaders about the importance of tribal Probate Code development and by providing educational tools for tribal governments to make these important changes, CILS hopes to have a significant and positive effect on the tribal land-base of California. These codes will provide structure and certainty for those wishing to provide for their families future.

#### **b. What services will the organization provide to this constituency?**

AIPRA is a "will friendly" Act that places a big emphasis on will drafting. Since the Bureau of Indian Affairs ended its will drafting services, CILS is the only option (including referral) for many low-income California Native Americans. In order to maximize the benefits available through AIPRA, Native American individuals will need to obtain expert advice and drafting services, as well as related tribal and state probate services, as related. CILS will provide will drafting and estate planning related services to individuals. We also will provide community education presentations to continue educating community members about the significance AIPRA and raise awareness and ultimately motivate individuals to make active efforts towards ensuring their testamentary devise. Through our EAF project in reaching out to and organizing those allottees who are not members of federally recognized tribes, we will have direct access to these allottees, both young and old. CILS was successful this year in forming these allottees into an Association and we plan to offer trainings and will drafting services in central locations accessible to this population. We have seen that our community education efforts tend to yield a significant amount of individual intake work as well as requests for Tribal Probate Code drafting work from Tribes. Empowerment of Native American leaders and service providers is crucial to the elders' health and well-being. Providing high-quality services, while maintaining the individual's cultural values, will enhance the elders' self-perception, worth and dignity. Additionally, the ongoing development of relevant materials about the AIPRA and tribal and state probate have become a regular part of our community outreach work. This also necessitates the need for CILS to keep internal literature on AIPRA current for our advocates to use as a resource. CILS remains the only legal services organization in California that has expert knowledge of AIPRA's provisions and nuances. Since we remain the only organization available to perform this critical task, making our focus on AIPRA during the coming year is vital for the health of California's Indian communities.

#### **c. How will these services be evaluated?**

In conjunction with training and community education efforts, we have developed and implemented evaluation surveys to determine the effectiveness of our educational presentations. We also distribute client satisfaction surveys for individuals that receive services. The most important outcome of these surveys has been that they have enabled us to make our presentations more accessible to clients. The subject matter of these trainings is extremely complicated, so accessibility and responsiveness requires ongoing effort, and we continue to rely on evaluations to ensure that our community education efforts are as effective as possible. For example, one recent review indicated that tribal people would like to see trainings,

presentations and legal intake clinics at or closer to their own reservations or communities, thereby indicating a desire for more localized trainings and conducting intake closer to their communities. Over the last couple of years we have focused on regionalizing our presentations, conducting more onsite clinics and will continue to do so. We also track the number of clients served through these efforts. The amount of direct services remains constant and is expected to continue or exceed the current levels. We expect that our community education and direct services to low-income Indian individuals seeking assistance with their wills and estate planning will continue in the year ahead as steady requests for services have come in on AIPRA and estate planning issues.

**d. How will you ensure that at least 20 percent of the IOLTA and EAF grants fund services to this constituency?**

As mentioned in our answer for 1.b. above, the Executive Director is responsible for the overall management and coordination of the organization which includes both the legal and administrative work. Grant deliverables are shared with staff shortly after CILS receives notification of the grant award. We prepare regular monthly financial reports on the status of all CILS grants that are also disseminated to the Directing Attorneys and advocate staff. Substantive reports are provided to the Board on a quarterly basis. The project coordinators are also responsible for assisting in the monitoring of the deliverables their projects are responsible for meeting quarterly. Through all these processes, staff and the Executive Director have a balanced view on the status of the legal work and current fiscal position of CILS's grants. While these grants provide critically needed funding for CILS to provide the services included in this budget proposal, the positive impact of these grants is disproportionately larger than the 21% of our projected budget that it provides. Therefore, we are confident the constituencies will receive more than 20% of these grants in services provided by CILS due to the demands of the community.

## FORM D - Organizational Budget

### ORGANIZATIONAL BUDGET

#### Personnel

Account Title	IOLTA	EAF	IOLTA & EAF	Other Monies	Total Budget
1. Lawyers	\$146,500	\$61,800	\$208,300	\$799,839	\$1,008,139
2. Paralegals	\$28,300	\$12,000	\$40,300	\$143,730	\$184,030
3. Other Staff	\$93,400	\$39,550	\$132,950	\$420,345	\$553,295
<b>SUBTOTAL</b>	<b>\$268,200</b>	<b>\$113,350</b>	<b>\$381,550</b>	<b>\$1,363,914</b>	<b>\$1,745,464</b>
4. Employee Benefits	\$67,000	\$28,330	\$95,330	\$347,679	\$443,009
<b>TOTAL PERSONNEL</b>	<b>\$335,200</b>	<b>\$141,680</b>	<b>\$476,880</b>	<b>\$1,711,593</b>	<b>\$2,188,473</b>

#### Non-Personnel

Account Title	IOLTA	EAF	TOTAL IOLTA & EAF	Other Monies	Total Budget
5. Space	\$13,100	\$5,690	\$18,790	\$67,230	\$86,020

10/28/2019

6. Equipment Rental and Maintenance	\$1,650	\$660	\$2,310	\$8,721	\$11,031
7. Office Supplies	\$3,900	\$1,656	\$5,556	\$19,300	\$24,856
8. Printing and Postage	\$2,950	\$1,240	\$4,190	\$17,289	\$21,479
9. Telecommunications	\$4,950	\$2,080	\$7,030	\$30,843	\$37,873
10. Technology	\$5,400	\$2,330	\$7,730	\$36,873	\$44,603
11. Program Travel	\$6,880	\$2,990	\$9,870	\$34,317	\$44,187
12. Training	\$2,200	\$900	\$3,100	\$13,410	\$16,510
13. Library	\$3,440	\$1,500	\$4,940	\$20,934	\$25,874
14. Insurance	\$4,420	\$1,830	\$6,250	\$18,675	\$24,925
15. Litigation	\$0	\$0	\$0	\$0	\$0
16. Capital Additions	\$0	\$0	\$0	\$0	\$0
17. Contract Service to Clients	\$0	\$0	\$0	\$0	\$0
18. Evaluation	\$2,620	\$1,080	\$3,700	\$12,870	\$16,570
19. Other	\$4,754	\$2,000	\$6,754	\$44,681	\$51,435
<b>TOTAL NON-PERSONNEL</b>	<b>\$56,264</b>	<b>\$23,956</b>	<b>\$80,220</b>	<b>\$325,143</b>	<b>\$405,363</b>
<b>Administrative</b>					
20. Personnel	\$37,250	\$15,740	\$52,990	\$190,177	\$243,167
21. Non-Personnel	\$6,246	\$2,664	\$8,910	\$36,127	\$45,037
<b>TOTAL ADMINISTRATIVE</b>	<b>\$43,496</b>	<b>\$18,404</b>	<b>\$61,900</b>	<b>\$226,304</b>	<b>\$288,204</b>
<b>GRAND TOTAL</b>	<b>\$434,960</b>	<b>\$184,040</b>	<b>\$619,000</b>	<b>\$2,263,040</b>	<b>\$2,882,040</b>

Personnel Total:	\$2,188,473
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Non-Personnel Total:	\$405,363
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Grand Total:	\$2,882,040
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### IOLTA Summary

% Personnel:	85.63%
--------------	--------

% Non-Personnel:	14.37%
------------------	--------

### Personnel Allocation

If the proposed budget allocates less than 75 percent to personnel, explain why it deviates from the recommended percentages?

% Program:	90.00%
------------	--------

% Administration:	10.00%
-------------------	--------

### Program Allocation

If the proposed budget allocates less than 75 percent to program, explain why it deviates from the recommended percentages.

Percentage of the IOLTA grant's share of the total organizational budget: 15.09%

## EAF Summary

% Personnel: 85.54%

% Non-Personnel: 14.46%

### Personnel Allocation

If the proposed budget allocates less than 75 percent to personnel, explain why it deviates from the recommended percentages?

% Program: 90.00%

% Administration: 10.00%

### Program Allocation

If the proposed budget allocates less than 75 percent to program, explain why it deviates from the recommended percentages.

Percentage of the EAF grant's share of the total organizational budget: 6.39%

## FORM E - Proposed By County IOLTA/EAF Budget

Download Template Form:

By County Form

Upload Completed By County Form:

**2019\_Form\_E\_-\_By\_County\_Budget\_CILS.xlsx**  
58.8 KB - 10/11/2019 1:52pm

Total Files: 1

**1. If you serve more than one county, explain how you will ensure that grant funds will be spent providing services in the county to which they are allocated.**

For example, are employees assigned to specific counties, do they keep time records, or do you allocate based on numbers of cases or client served? Be specific about all methods you use to allocate expenses by county.

CILS follows a company wide allocations policy and procedure that is based on advocate hours recorded in PIKA by case number. All cases are designated by County. Expenses are allocated to Counties by the number of hours worked by advocates in that County.

## Form F- Proposed IOLTA/ EAF Budget Narrative

## Proposed Narrative

## Personnel

Account Title	IOLTA	Narrative	EAF	Narrative
1. Lawyers	146500	1.72 FTE	61800	0.73 FTE
2. Paralegals	28300	0.47 FTE	12000	0.20 FTE
3. Other Staff	93400	1.33 FTE	39550	0.57 FTE
SUBTOTAL	268200		113350	
4. Employee Benefits	67000	25% of salaries	28330	25% of salaries
TOTAL PERSONNEL	335200		141680	

## Non-Personnel

Account Title	IOLTA	Narrative	EAF	Narrative
5. Space	13100	rents, bldg maint, janitorial, utilities. Allocated cost based on IOLTA hours.	5690	rents, bldg maint, janitorial, utilities. Allocated cost based on EAF hours.
6. Equipment Rental and Maintenance	1650	copier leases. Allocated cost based on IOLTA hours.	660	copier leases. Allocated cost based on EAF hours.
7. Office Supplies	3900	office supplies, general supplies. Allocated cost based on IOLTA hours.	1656	office supplies, general supplies. Allocated cost based on EAF hours.
8. Printing and Postage	2950	printing and postage. Allocated cost based on IOLTA hours.	1240	printing and postage. Allocated cost based on EAF hours.
9. Telecommunications	4950	telephones and internet access. Allocated cost based on IOLTA hours.	2080	telephones and internet access. Allocated cost based on EAF hours.
10. Technology	5400	IT support. Allocated cost based on IOLTA hours.	2330	IT support. Allocated cost based on EAF hours.
11. Program Travel	6880	travel costs. Direct costs for IOLTA activities.	2990	travel costs. Direct costs for EAF activities.
12. Training	2200	conferences and training. Allocated cost based on IOLTA hours.	900	conferences and training. Allocated cost based on EAF hours.
13. Library	3440	digital and non-digital library needs. Allocated cost based on IOLTA hours.	1500	digital and non-digital library needs. Allocated cost based on EAF hours.
14. Insurance	4420	all required insurance. Allocated cost based on IOLTA hours.	1830	all required insurance. Allocated cost based on EAF hours.

15. Litigation	0		0	
16. Capital Additions	0		0	
17. Contract Service to Clients	0		0	
18. Evaluation	2620	audit costs. Allocated cost based on IOLTA hours.	1080	audit costs. Allocated cost based on EAF hours.
19. Other	4754	bar dues, marketing, payroll processing fees, Board expense. Allocated cost based on IOLTA hours.	2000	bar dues, marketing, payroll processing fees, Board expense. Allocated cost based on EAF hours.
<b>TOTAL NON-PERSONNEL</b>	<b>56264</b>		<b>23956</b>	
<b>Administrative</b>				
20. Personnel	37250	Administrative time...10% de minimis.	15740	Administrative time...10% de minimis.
21. Non-Personnel	6246	allocated costs for administrative time.	2664	allocated costs for administrative time.
<b>TOTAL ADMINISTRATIVE</b>	<b>43496</b>		<b>18404</b>	
<b>GRAND TOTAL</b>	<b>434960</b>		<b>184040</b>	

#### Upload Additional Documents (Optional)

Please upload any supplemental materials or requested documents

**2020\_IOLTA-EAF\_Response\_for\_Additional\_Project\_Info\_for\_online\_input\_-\_FINAL.pdf**

140.7 KB - 10/28/2019 6:44pm

Total Files: 1



# CALIFORNIA INDIAN LEGAL SERVICES

BISHOP • ESCONDIDO • EUREKA • SACRAMENTO

Principal Office

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## MEMORANDUM

To: 2020 IOLTA/EAF Budget Submission  
 From: Dorothy Alther, Executive Director  
 Re: CILS Response to 10/24/19 Request for Additional EAF Project Information  
 Date: October 25, 2019

This memo is in support of CILS' 2020 IOLTA-EAF budget recently submitted to the State Bar and will provide additional on CILS' proposed project that involves the 1928 Census and Water Reconnaissance Study and more specifically how these projects will result in direct services to low income Native Americans and California tribes. It should be noted that Native Americans entitlements and benefits often depend on demonstrating the person's descendancy and blood quantum. In determining both of these elements, Native Americans must rely on historical and most often federal government census records and documents. Because these are often extremely old documents and were created based on information collected by non-Indian Bureau of Indian Affairs (BIA) agents who were engaging with non-English speaking Native Americans and were being asked questioned which had no meaning in a tribal culture such as "what is your Indian blood degree", the information is often inaccurate, unreliable and erroneous.

**1928 Census Project:** The 1928 BIA is illustrative of a government document that lacks creditability and accuracy but is nonetheless relied upon almost exclusively today by the BIA for both descendancy and blood quantum for California Native Americans. Under an Act of Congress of May 18, 1928 authorized the attorney general of California to bring suit in the U.S. Court of Claims on behalf of the Indians of California for benefits they would have received under the 18 treaties negotiated with the U.S. These treaties were submitted to the Senate for ratification on June 1, 1852, but were never ratified. Section 6 of the act stipulated that no part of any judgment should be paid out in cash on a per capita basis. Rather, a trust fund should be established, with appropriations made by Congress for educational, health, industrial, and other purposes benefiting the California Indians. The Act authorized the Secretary of the Interior to create a census roll of Indians of California who were living in the State on June 1, 1852, and their descendants living in the State on May 18, 1928, who would eligible for the benefits granted under the act. The 1928 Census was one of the first to include the blood quantum of Native American applicant.

Some tribes use the 1928 BIA census as their Base Roll to determine membership in the tribe. Another important use of the 1928 census is that members of tribes that are not federally recognized can obtain a Certified Degree of Indian Blood (CDIB) card from the BIA (based on the 1928 Census) that states the person's descendants and blood degree. This CDIB card is accepted by Indian Health Service clinics as proof of the person California Indian status and

allows them to receive health care. If there is an error on the CDIB card it can result in the denial of tribal membership and/or free health care services at an IHS clinic.

The BIA has acknowledged that the 1928 Census has limitations but as an official government document and a matter of policy, BIA must rely on it even in the face of clearly contradictory evidence. The issues and problems of the collection of process for the 1928 Census has been documented through third party sources and by CILS in working with clients who have CDIB cards with inaccurate and erroneous information. The goal of our project is to do a thorough and comprehensive review of the 1928 Census process and document by the numerous limitation on the information collected. By getting the BIA to accept and acknowledge that the 1928 should not be used as conclusive evidence to determining descendancy and blood quantum, the BIA will not issue CDIB cards reflecting erroneous information that prevents our clients from attaining membership status and/or health care services. For others, especially younger persons, that could also mean education assistance, housing assistance, etc.

Here is just one case in point. We have one elderly client, who is low-income, who tried for years to get the BIA to correct her blood quantum. She needed it corrected in order to enroll with her tribe – her blood quantum was too low otherwise. Before she came to us, she had been told repeatedly that the BIA had to rely on the applications for the 1928 judgment rolls, because the BIA viewed them as the most historically accurate due to (supposedly) being based on applications verified by affidavit and true to the applicant's personal knowledge. (There is no regulation or other authority that I know of that actually requires that.) The problem is that there were many "blanket" applications made, where a BIA Superintendent or regional official filled out an application with the names of dozens or hundreds of people at once, to include people who hadn't themselves submitted an application. Presumably the BIA had good intentions and was just trying to make sure that everyone who should be eligible for the judgment monies would be included. However, it's very unlikely that any BIA official had personal knowledge of so many individuals' blood quanta, and it appears that in many cases the BIA simply used previously-recorded blood quanta instead. It's those previously-recorded quanta that are the problem, because at that time, due to the recording mechanisms were being used, the Census instructions for blood quantum were only "'F' is for full blood, '1/4+' is for 1/4 or more of Indian blood, '-1 /4' is for less than one fourth Indian blood." Because "1/4+" is not specific, the BIA said that they could only count that as 1/4, which means anyone who was actually 3/4 or 1/2 became 1/4. Even when we began representing her, the BIA stuck with the position that CDIBs had to be based on the 1928 applications. We had to get documents from the National Archives, make the request to the local office (Northern California Agency), then appeal that to the Pacific Regional Office. It was supposed to go all the way to the Division of Tribal Government Services in Washington D.C., but the Solicitor's Office weighed in and said that individual CDIBs actually could be changed with appropriate evidence, without having to change the 1928 Census itself.

There are quite possibly hundreds or thousands of descendants of those named on blanket applications whose blood quanta are incorrect, and since many tribes have a minimum blood quantum requirement for membership, there are quite possibly hundreds or thousands of people who are actually eligible for tribal membership.



**Water Reconnaissance Study Project:** As we discussed yesterday in 1991 the BIA commissioned (paid) CILS to prepare a comprehensive tribal and Indian water rights study that could be available and used by tribes and individuals as resource for asserting and establishing their federal protected water rights. Since its issuance there have been newly recognized tribes and substantial case law impacting Indian water rights. Another development that has brought their water rights to the forefront was the passage of the 2014 California Sustainability Groundwater Management Act. Under this Act, California is positioned to regulate groundwater in the state, which has presented challenges to tribes whose water source is exclusive groundwater. As I noted in our EAF application California Rancherias stand in a unique status with their water rights since over 30 Rancherias were terminated in the 1940 and early 1950. Since quantifying tribal water rights depends on the date in which the reservation (Rancheria) was established. With the Rancherias they were established, then terminated and then re-established leaving uncertainty on what date is controlling for asserting their water rights. We intend to update and augment the study so that it is useful resource for all tribes in California and specifically to the tribes with re-established Rancherias. We serve many of these tribe (most of which are low income) on a variety of legal matters. With our research and updating of the Study we can then offer our tribal clients a foundation of the law as well as the starting place for asserting their water rights if they so choose. For tribes that are not CILS client the updated Study will offer to them a valuable resource they can use in whatever they choose.

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## County Summary 2020 for California Indian Legal Services

IOLTA				
County	Basic Allocation	Pro Bono Allocation	Total Allocation	
Alameda	\$1,640	\$0	\$1,640	
Alpine	\$530	\$0	\$530	
Amador	\$1,110	\$0	\$1,110	
Butte	\$8,870	\$0	\$8,870	
Calaveras	\$4,190	\$0	\$4,190	
Colusa	\$220	\$0	\$220	
Contra Costa	\$1,900	\$0	\$1,900	
Del Norte	\$8,380	\$0	\$8,380	
El Dorado	\$4,380	\$0	\$4,380	
Fresno	\$25,510	\$0	\$25,510	
Glenn	\$340	\$0	\$340	
Humboldt	\$23,230	\$0	\$23,230	
Imperial	\$3,760	\$0	\$3,760	
Inyo	\$14,700	\$0	\$14,700	
Kern	\$8,100	\$0	\$8,100	
Kings	\$16,670	\$0	\$16,670	
Lake	\$8,430	\$0	\$8,430	
Lassen	\$1,640	\$0	\$1,640	
Los Angeles	\$29,430	\$0	\$29,430	
Madera	\$9,560	\$0	\$9,560	
Marin	\$270	\$0	\$270	
Mariposa	\$3,950	\$0	\$3,950	
Mendocino	\$18,070	\$0	\$18,070	
Merced	\$790	\$0	\$790	
Modoc	\$2,450	\$0	\$2,450	

**County Summary 2020 for California Indian Legal Services**

Mono	\$10,590	\$0	\$10,590
Monterey	\$3,530	\$0	\$3,530
Napa	\$60	\$0	\$60
Nevada	\$430	\$0	\$430
Orange	\$8,250	\$0	\$8,250
Placer	\$1,000	\$0	\$1,000
Plumas	\$4,120	\$0	\$4,120
Riverside	\$21,200	\$0	\$21,200
Sacramento	\$29,490	\$0	\$29,490
San Benito	\$170	\$0	\$170
San Bernardino	\$31,630	\$0	\$31,630
San Diego	\$24,660	\$0	\$24,660
San Francisco	\$3,550	\$0	\$3,550
San Joaquin	\$13,320	\$0	\$13,320
San Luis Obispo	\$3,710	\$0	\$3,710
San Mateo	\$210	\$0	\$210
Santa Barbara	\$3,540	\$0	\$3,540
Santa Clara	\$1,920	\$0	\$1,920
Santa Cruz	\$1,030	\$0	\$1,030
Shasta	\$8,950	\$0	\$8,950
Sierra	\$30	\$0	\$30
Siskiyou	\$10,200	\$0	\$10,200
Solano	\$1,920	\$0	\$1,920
Sonoma	\$2,830	\$0	\$2,830
Stanislaus	\$6,490	\$0	\$6,490
Sutter	\$2,850	\$0	\$2,850
Tehama	\$7,180	\$0	\$7,180
Trinity	\$1,730	\$0	\$1,730

**County Summary 2020 for California Indian Legal Services**

Tulare	\$20,820	\$0	\$20,820
Tuolumne	\$3,500	\$0	\$3,500
Ventura	\$3,380	\$0	\$3,380
Yolo	\$2,550	\$0	\$2,550
Yuba	\$2,000	\$0	\$2,000
			\$434,960

EAF			
County	Basic Allocation	Pro Bono Allocation	Total Allocation
Alameda	\$690	\$0	\$690
Alpine	\$220	\$0	\$220
Amador	\$470	\$0	\$470
Butte	\$3,750	\$0	\$3,750
Calaveras	\$1,770	\$0	\$1,770
Colusa	\$100	\$0	\$100
Contra Costa	\$810	\$0	\$810
Del Norte	\$3,550	\$0	\$3,550
El Dorado	\$1,860	\$0	\$1,860
Fresno	\$10,790	\$0	\$10,790
Glenn	\$140	\$0	\$140
Humboldt	\$9,830	\$0	\$9,830
Imperial	\$1,590	\$0	\$1,590
Inyo	\$6,220	\$0	\$6,220
Kern	\$3,430	\$0	\$3,430
Kings	\$7,050	\$0	\$7,050
Lake	\$3,570	\$0	\$3,570
Lassen	\$690	\$0	\$690
Los Angeles	\$12,450	\$0	\$12,450

**County Summary 2020 for California Indian Legal Services**

Madera	\$4,050	\$0	\$4,050
Marin	\$110	\$0	\$110
Mariposa	\$1,670	\$0	\$1,670
Mendocino	\$7,650	\$0	\$7,650
Merced	\$330	\$0	\$330
Modoc	\$1,040	\$0	\$1,040
Mono	\$4,480	\$0	\$4,480
Monterey	\$1,490	\$0	\$1,490
Napa	\$30	\$0	\$30
Nevada	\$180	\$0	\$180
Orange	\$3,490	\$0	\$3,490
Placer	\$420	\$0	\$420
Plumas	\$1,740	\$0	\$1,740
Riverside	\$8,970	\$0	\$8,970
Sacramento	\$12,480	\$0	\$12,480
San Benito	\$70	\$0	\$70
San Bernardino	\$13,390	\$0	\$13,390
San Diego	\$10,430	\$0	\$10,430
San Francisco	\$1,500	\$0	\$1,500
San Joaquin	\$5,640	\$0	\$5,640
San Luis Obispo	\$1,570	\$0	\$1,570
San Mateo	\$90	\$0	\$90
Santa Barbara	\$1,500	\$0	\$1,500
Santa Clara	\$810	\$0	\$810
Santa Cruz	\$430	\$0	\$430
Shasta	\$3,790	\$0	\$3,790
Sierra	\$10	\$0	\$10
Siskiyou	\$4,320	\$0	\$4,320



## County Summary 2020 for California Indian Legal Services

Solano	\$810	\$0	\$810
Sonoma	\$1,200	\$0	\$1,200
Stanislaus	\$2,750	\$0	\$2,750
Sutter	\$1,210	\$0	\$1,210
Tehama	\$3,040	\$0	\$3,040
Trinity	\$730	\$0	\$730
Tulare	\$8,810	\$0	\$8,810
Tuolumne	\$1,480	\$0	\$1,480
Ventura	\$1,430	\$0	\$1,430
Yolo	\$1,080	\$0	\$1,080
Yuba	\$840	\$0	\$840
			\$184,040

### Qualified Expenditures

#### Alameda

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$37,793	\$720	\$1,190	\$35,883

#### Alpine

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$1,993	\$360	\$590	\$1,043

#### Amador

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$6,239	\$350	\$590	\$5,299

#### Butte

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$34,993	\$5,180	\$8,560	\$21,253

#### Calaveras

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$8,356	\$600	\$990	\$6,766

#### Colusa

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
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## County Summary 2020 for California Indian Legal Services

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$1,087	\$60	\$90	\$937

### Contra Costa

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$18,679	\$1,040	\$1,720	\$15,919

### Del Norte

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$33,588	\$2,440	\$4,040	\$27,108

### El Dorado

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$15,156	\$390	\$650	\$14,116

### Fresno

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$87,977	\$6,390	\$10,570	\$71,017

### Glenn

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$2,103	\$540	\$900	\$663

### Humboldt

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$98,246	\$7,110	\$11,750	\$79,386

### Imperial

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$15,234	\$740	\$1,220	\$13,274

### Inyo

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$233,317	\$3,910	\$6,460	\$222,947

### Kern

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$32,477	\$3,230	\$5,330	\$23,917

### Kings

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$16,854	\$1,960	\$3,230	\$11,664

### Lake

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures

**County Summary 2020 for California Indian Legal Services**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$31,839	\$3,990	\$6,600	\$21,249

**Lassen**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$8,917	\$1,700	\$2,800	\$4,417

**Los Angeles**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$225,475	\$9,640	\$15,930	\$199,905

**Madera**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$28,229	\$2,500	\$4,140	\$21,589

**Marin**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$2,615	\$180	\$300	\$2,135

**Mariposa**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$4,625	\$260	\$430	\$3,935

**Mendocino**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$75,864	\$2,370	\$3,920	\$69,574

**Merced**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$9,954	\$3,360	\$5,560	\$1,034

**Modoc**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$10,217	\$900	\$1,490	\$7,827

**Mono**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$60,924	\$1,850	\$3,050	\$56,024

**Monterey**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$14,416	\$1,590	\$2,620	\$10,206

**Napa**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
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**County Summary 2020 for California Indian Legal Services**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$1,165	\$240	\$390	\$535

**Nevada**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$2,707	\$700	\$1,150	\$857

**Orange**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$38,303	\$3,100	\$5,120	\$30,083

**Placer**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$5,329	\$600	\$990	\$3,739

**Plumas**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$13,386	\$0	\$0	\$13,386

**Riverside**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$81,348	\$12,260	\$20,260	\$48,828

**Sacramento**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$147,095	\$10,240	\$16,920	\$119,935

**San Benito**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$995	\$50	\$80	\$865

**San Bernardino**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$92,431	\$12,210	\$20,180	\$60,041

**San Diego**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$167,401	\$5,350	\$8,840	\$153,211

**San Francisco**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$101,615	\$120	\$200	\$101,295

**San Joaquin**

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures

## County Summary 2020 for California Indian Legal Services

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$29,358	\$4,210	\$6,960	\$18,188

### San Luis Obispo

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$18,467	\$210	\$350	\$17,907

### San Mateo

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$4,703	\$70	\$110	\$4,523

### Santa Barbara

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$16,910	\$690	\$1,140	\$15,080

### Santa Clara

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$29,906	\$590	\$970	\$28,346

### Santa Cruz

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$5,421	\$570	\$940	\$3,911

### Shasta

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$43,805	\$2,100	\$3,480	\$38,225

### Sierra

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$270	\$30	\$50	\$190

### Siskiyou

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$19,781	\$500	\$830	\$18,451

### Solano

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$13,208	\$1,580	\$2,600	\$9,028

### Sonoma

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$22,829	\$960	\$1,590	\$20,279

### Stanislaus

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures

## County Summary 2020 for California Indian Legal Services

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$18,231	\$2,720	\$4,500	\$11,011

### Sutter

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$9,784	\$600	\$980	\$8,204

### Tehama

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$12,839	\$630	\$1,040	\$11,169

### Trinity

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$8,143	\$690	\$1,140	\$6,313

### Tulare

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$31,469	\$3,250	\$5,370	\$22,849

### Tuolumne

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$5,855	\$530	\$870	\$4,455

### Ventura

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$11,673	\$1,960	\$3,250	\$6,463

### Yolo

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$15,696	\$470	\$780	\$14,446

### Yuba

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$12,086	\$660	\$1,090	\$10,336

### County Totals

County Expenditures (Fiscal year)	IOLTA Expenditures (Previous calendar year)	EAF Expenditures (Previous calendar year)	Qualified Expenditures
2099376	131250	216890	1751236

**Budget Summary****Project title:** 2978-IOLTA LSP-2020-Dependency Advocacy Center-173**Budget Year:** 2020**Organization:** Dependency Advocacy Center**General****Late Submission:****FORM A -IOLTA Budget Description****1. IOLTA grant allocation:** \$192,420**2. How will the grant be utilized to provide free civil legal services to indigent persons in California [Business & Professions Code §6218(a)]?**

Dependency Advocacy Center (DAC) provides free civil legal services to parents and children involved in Santa Clara County's Juvenile Dependency system. The complexity of child welfare cases cannot be overstated and traditional legal representation is insufficient to address the myriad of issues presented. The most effective way to provide meaningful access to justice to parent and children clients is through an interdisciplinary advocacy model -- incorporating clinical social worker expertise and peer mentoring services into the legal team. Through IOLTA grant funding DAC will add social worker staff to the organization. DAC social workers are not case managers; they are part of a client's legal team and will work in concert with staff attorneys to offer comprehensive, client-centered advocacy. Activities will include, but not be limited to, conducting assessments, producing written reports for the attorneys and the court, participating in Child and Family Team meetings and court Mediations, attending legal hearings, visiting youth clients in their home and the community, observing family time visits between the parent and child, and offering expert testimony. In the "Uploaded Documents" section, please find the 2017 memorandum from the Children's Bureau at the U.S. Department of Health and Human Services. This memorandum emphasized the need for high quality legal representation in child welfare proceedings. On pages 10-11, there is specific encouragement for the use of the interdisciplinary team model when providing legal representation in the child welfare system (highlight added).

To have a grant funded social worker assigned to a client's case, the attorney will complete a social worker request form. A copy of this form is attached in the "Uploaded Documents" section. The social worker request form will require that the attorney review their case file to ensure that the client falls within the definition of "indigent person" as indicated in Business and Professions Code Section 6213(d). Only those clients who are deemed "indigent" will be eligible to have an IOLTA/EAF funded social worker as part of their legal team. For each parent client, a state financial declaration form (JV-132) is completed. A copy of this form is attached in the "Uploaded Documents" section. The court financial guidelines are within 125% of federal poverty guidelines. Under penalty of perjury, the parent signs/certifies the completed form which requires information regarding income, family size, and types of aid received. If a parent's income exceeds the guidelines, the parent has the opportunity to provide additional information regarding expenses and to have a hearing on the matter. This information is presented to the court which makes a determination as to whether a client must pay any court fees. According to recent court data, from July 1, 2018 through June 1, 2019, only 3 parents were ordered to pay fees based on their JV-132 declarations. Additionally, in its intake paperwork, DAC requires that each parent client requesting counsel indicate their income level to determine if the stated income falls within 125% of federal poverty guidelines. DAC also represents approximately 100 to 125 youth clients at any given time. Youth clients

receive court appointed dependency counsel without needing to make a specific request or fill out intake paperwork. For DAC's youth clients who will receive an IOLTA/EAF funded social worker as part of their legal team, the youth will be asked about any income they may be receiving and similarly screened for financial eligibility using income below 125% of federal poverty guidelines as an indicator of indigency.

All of DAC's legal services are civil legal services with no criminal law representation provided. Consequently, IOLTA/EAF funding will only be utilized toward civil legal work.

**a. What results or outcomes do you anticipate from the specified use of grant funds?**

With IOLTA grant funding, a significantly greater number of clients will have a social worker incorporated into their legal team. Given that interdisciplinary advocacy is a best practice approach to family defense advocacy, DAC anticipates that outcomes for these parents and children will include: (1) clients will experience more positive legal outcomes, (2) clients will be more engaged with the court process and participate more actively in their dependency case, and (3) DAC attorneys representing youth clients will report that their advocacy is enhanced due to their having a better understanding and clinical assessment of the youth's particular circumstances and needs.

**b. How does the IOLTA grant fit into the overall budget of the organization? For example, are the funds allocated evenly across all qualified expenditures for both personnel and non-personnel expenses, are they designated for specific positions or projects, are they used to leverage a match for other grants, etc.?**

IOLTA grant funding will be designated toward specific positions within the organization . With this additional funding, more social work personnel will be available to join a client's interdisciplinary legal team.

## Staffing Classification

Positions	FTEs	Description of Work
Attorneys	0.18	Via IOLTA grant funding DAC will add one .18 FTE attorney program manager position. The attorney program manager will be responsible for the implementation of the program as well as provide administrative supervision to the social worker positions. IOLTA will fund 18% of the time for this position.
Paralegals	0.00	
Other	0.00	
Social Worker	1.40	Via IOLTA grant funding DAC will add 1.4 FTE social worker positions to the organization (2 positions at .7 FTE each). The Social Workers will work in concert with staff attorneys to offer comprehensive, client-centered advocacy. Activities will include, but not limited to, conducting assessments and written reports to the attorneys and the court, participating in Child and Family Team meetings and reporting back to the attorney, attending court hearings, participating in court mediations, observing visitation between the parent and child and providing an assessment back to the attorney, and offering expert testimony. IOLTA will fund each of the Social Workers for 70% of their time each.
	0.00	
Total	1.58	



## FORM B -EAF Budget Description

1. EAF grant allocation: \$81,430

2. Describe the activity, or set of activities, you propose to fund with the EAF grant. If you propose more than one set of activities, please number and describe each of them separately.

Through EAF grant funding, DAC's additional social worker staff will provide specific support to the organization's youth clients. In Juvenile Dependency hearings, the child's attorney is tasked both with voicing the desires of their client as well as advocating for the child's protection, safety, and physical and emotional well-being—even when these positions are inconsistent. Further, although the law states that the child's attorney is not charged with assuming the responsibilities of a social worker, it requires that the attorney investigate the interests of the child beyond the scope of the juvenile proceeding and report to the court other interests of the child that may need to be protected. This independent investigation cannot rely solely on the reports and recommendations of the Department of Family and Children Services' (DFCS) social worker. Moreover, it is clear in both law and in practice, that to achieve competence in this field, attorneys who represent children in child welfare proceedings must have the benefit of a multidisciplinary team approach.

Approximately 10% of DAC's clients are youth who are under the Juvenile Dependency Court's supervision and either in out of home placements or in the home of their parents receiving court ordered services. Most of these foster youth have no income, but those who do will be screened to ensure that indigency requirements (income below 125% of federal poverty guidelines) are met prior to receiving services under this contract. As part of their family defense team, the EAF grant funded social worker will be interacting extensively with youth clients and their attorneys to ensure that the children's voices are heard throughout the various stages of the child welfare process. EAF funded activities that support DAC's indigent youth clients will include, but not be limited to the following:

- (1) Home and community-based visits to interview and assess youth in a comfortable, more-natural setting
- (2) Support at court hearings to ensure that youth have a deeper understanding of what is happening in their legal case
- (3) Collaborative contacts and education advocacy support, which may include participation in Child and Family Team (CFT) meetings, coordination with the family's county social worker, attendance at meetings with the family's WRAP team, and advocacy at IEP meetings and schools

a. What results or outcomes do you anticipate from the specified use(s) of grant funds, and how will you evaluate progress towards achieving identified results or outcomes?

With EAF grant funding, a significantly greater number of youth clients will have a social worker incorporated into their legal team. Given that interdisciplinary advocacy is a best practice approach to family defense advocacy, DAC anticipates that outcomes for these children will include: (1) youth will feel like their desires were understood by their attorney and presented to the court accurately, (2) attorneys representing youth clients will report that their advocacy is enhanced due to their having a better understanding and clinical assessment of the youth's particular circumstances and needs, and (3) more collaborative meetings will have the youth's voice elevated and represented by their DAC social worker (attorneys are not allowed to attend MDT meetings). DAC has developed measurement tools to evaluate the first two anticipated outcomes: an attorney survey to report legal outcomes and social worker impact on the case as well as a client satisfaction survey to assess client engagement and case participation. For the last outcome regarding advocacy at MDT meetings, the social worker will track participation in these collaborative meetings for all youth clients.

b. For each activity, or set of activities, describe generally the categories of staff that will be funded, the services each category of

staff will provide or the activities they will undertake, and the particular outcomes and goals associated with those activities.

For the activities to be covered by the EAF grant, three positions will be funded: 2 full time social workers and 1 partial FTE attorney program manager. When assigned to a case, DAC social workers will be part of the client's legal team. Services provided by the social worker will include, but not be limited to: (1) Home and community-based visits to interview and assess youth in a comfortable, more-natural setting; (2) Support at court hearings to ensure that youth have a deeper understanding of what is happening in their legal case; and (3) Collaborative contacts and education advocacy support, which may include participation in Child and Family Team (CFT) meetings, coordination with the family's county social worker, attendance at meetings with the family's WRAP team, and advocacy at IEP meetings and schools. DAC social workers may also conduct risk assessments, produce written reports for the attorneys and the court, observe family time visitation, and offer expert testimony. DAC anticipates that outcomes associated with these activities will include: (1) youth will feel like their desires were understood by their attorney and presented to the court accurately, (2) attorneys representing youth clients will report that their advocacy is enhanced due to their having a better understanding and clinical assessment of the youth's particular circumstances and needs, and (3) more collaborative meetings will have the youth's voice elevated and represented by their DAC social worker (attorneys are not allowed to attend MDT meetings).

The partial FTE attorney program manager will provide administrative supervision over the IOLTA/EAF funded social workers and critical oversight over the DAC social worker program to ensure adequate and ongoing legal training, management of attorney referrals, contract compliance, and oversight of data collection and outcome measurements.

c. How does the EAF grant fit into the overall budget of the organization? For example, are the funds designated for specific positions or projects, are they used to leverage a match for other grants, etc.?

EAF grant funding will be designated toward specific positions within the organization. With this additional funding, more social work personnel will be available to join a client's interdisciplinary legal team.

Categories	EAF Grant Funds		Other Funds		Totals for Funded Activities
	# of Positions	FTEs	# of Positions	FTEs	FTEs
Attorneys	1	0.07	1	0.18	0.25
Paralegals	0	0.00	0	0.00	0.00
Other	2	0.60	2	1.40	2.00

### FORM C - Compliance Assurance

1. How will the organization ensure IOLTA and EAF grants are used only to provide free civil legal services to indigent persons in California as defined in the statute and rules?

The IOLTA/EAF funded social workers will work with DAC attorneys to comprise a client's interdisciplinary family defense team. These activities will be limited in nature due to resource availability. To have a grant funded social worker assigned to a client's case, the attorney will need to complete a social worker request form. A copy of this form is attached in the "Uploaded Documents" section. The social worker request form will require that the attorney review their case file to ensure that the client falls within the definition of "indigent person" as indicated in Business and Professions Code Section 6213(d). Only those

clients who are deemed "indigent" will be eligible to have an IOLTA/EAF funded social worker as part of their legal team.

All of DAC's legal services are civil legal services with no criminal law representation provided. Consequently, IOLTA/EAF funding will only be utilized toward civil legal work.

**a. How do you screen at intake for income and other eligibility information?**

For each parent client, a state financial declaration form (JV-132) is completed. A copy of this form is attached in the "Uploaded Documents" section. The court financial guidelines are within 125% of federal poverty guidelines. Under penalty of perjury, the parent signs/certifies the completed form which requires information regarding income, family size, and types of aid received. If a parent's income exceeds the guidelines, the parent has the opportunity to provide additional information regarding expenses and to have a hearing on the matter. This information is presented to the court which makes a determination as to whether a client must pay any court fees. According to recent court data, from July 1, 2018 through June 1, 2019, only 3 parents were ordered to pay fees based on their JV-132 declarations. Additionally, in its intake paperwork, DAC requires that each parent client requesting counsel indicate their income level to determine if the stated income falls within 125% of federal poverty guidelines. DAC also represents approximately 100 to 125 youth clients at any given time. Youth clients receive court appointed dependency counsel without needing to make a specific request or fill out intake paperwork. For DAC's youth clients who will receive an IOLTA/EAF funded social worker as part of their legal team, the youth will be asked about any income they may be receiving and similarly screened for financial eligibility using income below 125% of federal poverty guidelines as an indicator of indigency.

**b. Describe any other relevant practices to ensure funds are spent only for qualified legal services.**

As noted in DAC's application for eligibility, indigency was not assessed for the approximately 40 to 45 clients who are served by DAC's Corridor Program. However, none of those clients would be eligible for services under the IOLTA/EAF funding since funding for the Corridor program already allows for a distinct interdisciplinary legal team.

**2. Significant efforts must be made to use 20 percent of the IOLTA and EAF grants for increasing the availability of services to members of especially disadvantaged and underserved client groups (Business & Professions code Section 6221). What constituency(ies) will you serve with 20 percent of the grant allocations for IOLTA and EAF?**

DAC will make significant efforts to use 20% of the IOLTA and EAF grants to increase the availability of services to three constituencies: juvenile clients, clients who have been victims of intimate partner violence, and clients who are monolingual non-English speaking.

**a. Why do you consider this constituency to be of special need?**

Pursuant to Business & Professions code Section 6221, juveniles are specifically noted as falling under this requirement. Further, DAC's juvenile clients have been deemed to have experienced abuse and/or neglect in addition to the trauma and stress of removal from their parent or caregiver. In Santa Clara County, dependent youth are disproportionately African-American and Latino. They come from lower income homes and are members of marginalized communities who are often powerless against systems making decisions regarding their lives. Similarly, clients who have been victims of intimate partner violence come to DAC seeking assistance after having suffered significant trauma often in concert with an impact on their mental health. They must navigate a plethora of services while simultaneously having to prove their fitness as a parent. Lastly, due to limited available resources, monolingual non-English speaking clients face difficulties in understanding and participating in the court process as well as accessing court-ordered services while making efforts to reunify their families.

**b. What services will the organization provide to this constituency?**

Through IOLTA/EAF grant funding, DAC will add social worker staff to the organization. DAC social workers will work in concert with staff attorneys to offer comprehensive, client-centered advocacy. This expanded interdisciplinary representation team is not currently available to all DAC clients. DAC will prioritize the availability of this best practice service for the identified constituencies. Activities will include, but not be limited to, conducting assessments, producing written reports for the attorneys and the court, participating in Child and Family Team meetings and court Mediations, attending legal hearings, visiting youth clients in their home and the community, observing family time visits between the parent and child, and offering expert testimony.

**c. How will these services be evaluated?**

With IOLTA/EAF grant funding, a significantly greater number of clients will have a social worker incorporated into their legal team. Given that interdisciplinary advocacy is a best practice approach to family defense advocacy, DAC anticipates that outcomes for these parents and children will include: (1) clients will experience more positive legal outcomes, (2) clients will be more engaged with the court process and participate more actively in their dependency case, and (3) DAC attorneys representing youth clients will report that their advocacy is enhanced due to their having a better understanding and clinical assessment of the youth's particular circumstances and needs. DAC has developed measurement tools to evaluate the first two anticipated outcomes: an attorney survey to report legal outcomes and social worker impact on the case as well as a client satisfaction survey to assess client engagement and case participation. For the last outcome regarding youth clients, the attorney survey will be modified to be measure improved advocacy for youth clients.

**d. How will you ensure that at least 20 percent of the IOLTA and EAF grants fund services to this constituency?**

To have a grant funded social worker assigned to a client's case, the attorney will need to complete the attached social worker request form. The form will require that the attorney review their case file and note whether the client falls within one of the identified constituencies. The attorney program manager will be responsible for reviewing all requests and managing caseloads for the two social workers. In performance of these duties, the attorney program manager will ensure that at least 20% of services conducted under the IOLTA/EAF grants are targeted toward clients who are part of the three identified constituencies.

**FORM D - Organizational Budget****ORGANIZATIONAL BUDGET****Personnel**

Account Title	IOLTA	EAF	IOLTA & EAF	Other Monies	Total Budget
1. Lawyers	\$18,000	\$7,000	\$25,000	\$1,215,715	\$1,240,715
2. Paralegals	\$0	\$0	\$0	\$0	\$0
3. Other Staff	\$105,000	\$45,000	\$150,000	\$971,052	\$1,121,052
<b>SUBTOTAL</b>	<b>\$123,000</b>	<b>\$52,000</b>	<b>\$175,000</b>	<b>\$2,186,767</b>	<b>\$2,361,767</b>
4. Employee Benefits	\$23,235	\$9,840	\$33,075	\$461,942	\$495,017

TOTAL PERSONNEL	\$146,235	\$61,840	\$208,075	\$2,648,709	\$2,856,784
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## Non-Personnel

Account Title	IOLTA	EAF	TOTAL IOLTA & EAF	Other Monies	Total Budget
5. Space	\$10,500	\$4,500	\$15,000	\$201,000	\$216,000
6. Equipment Rental and Maintenance	\$350	\$150	\$500	\$4,300	\$4,800
7. Office Supplies	\$700	\$300	\$1,000	\$21,500	\$22,500
8. Printing and Postage	\$700	\$300	\$1,000	\$5,200	\$6,200
9. Telecommunications	\$1,400	\$600	\$2,000	\$30,000	\$32,000
10. Technology	\$1,050	\$450	\$1,500	\$18,500	\$20,000
11. Program Travel	\$1,260	\$540	\$1,800	\$8,200	\$10,000
12. Training	\$1,400	\$600	\$2,000	\$18,000	\$20,000
13. Library	\$350	\$150	\$500	\$22,000	\$22,500
14. Insurance	\$1,400	\$600	\$2,000	\$27,000	\$29,000
15. Litigation	\$2,500	\$0	\$2,500	\$35,500	\$38,000
16. Capital Additions	\$0	\$0	\$0	\$20,000	\$20,000
17. Contract Service to Clients	\$0	\$0	\$0	\$20,000	\$20,000
18. Evaluation	\$5,250	\$2,250	\$7,500	\$2,500	\$10,000
19. Other	\$3,710	\$1,590	\$5,300	\$93,200	\$98,500
<b>TOTAL NON-PERSONNEL</b>	<b>\$30,570</b>	<b>\$12,030</b>	<b>\$42,600</b>	<b>\$526,900</b>	<b>\$569,500</b>
Administrative					
20. Personnel	\$9,700	\$5,025	\$14,725	\$292,026	\$306,751
21. Non-Personnel	\$5,915	\$2,535	\$8,450	\$86,450	\$94,900
<b>TOTAL ADMINISTRATIVE</b>	<b>\$15,615</b>	<b>\$7,560</b>	<b>\$23,175</b>	<b>\$378,476</b>	<b>\$401,651</b>
<b>GRAND TOTAL</b>	<b>\$192,420</b>	<b>\$81,430</b>	<b>\$273,850</b>	<b>\$3,554,085</b>	<b>\$3,827,935</b>

Personnel Total: \$2,856,784

Non-Personnel Total: \$569,500

Grand Total: \$3,827,935

## IOLTA Summary

% Personnel: 81.04%

% Non-Personnel: 18.96%

## Personnel Allocation

If the proposed budget allocates less than 75 percent to personnel, explain why it deviates from the recommended percentages?

N/A

% Program: 91.88%

% Administration: 8.12%

## Program Allocation

If the proposed budget allocates less than 75 percent to program, explain why it deviates from the recommended percentages.

N/A

Percentage of the IOLTA  
grant's share of the total  
organizational budget: 5.03%

## EAF Summary

% Personnel: 82.11%

% Non-Personnel: 17.89%

## Personnel Allocation

If the proposed budget allocates less than 75 percent to personnel, explain why it deviates from the recommended percentages?

N/A

% Program: 90.72%

% Administration: 9.28%

## Program Allocation

If the proposed budget allocates less than 75 percent to program, explain why it deviates from the recommended percentages.

N/A

Percentage of the EAF  
grant's share of the total  
organizational budget: 2.13%

FORM E - Proposed By County IOLTA/EAF Budget

Form F- Proposed IOLTA/EAF Budget Narrative

Proposed Narrative

## Personnel

Account Title	IOLTA	Narrative	EAF	Narrative
1. Lawyers	18000	This amount is for an Attorney Program Manager who will oversee the specific program which the IOLTA and EAF grants will fund. Based on the allocation amount of IOLTA funds, approximately 70% of the cost for the position is indicated here.	7000	This amount is for an Attorney Program Manager who will oversee the specific program which the IOLTA and EAF grants will fund. Based on the allocation amount of EAF funds, approximately 30% of the cost for the position is indicated here.
2. Paralegals	0	N/A	0	N/A
3. Other Staff	105000	This amount is for two Social Workers who will provide legal program services which the IOLTA and EAF grants will specifically fund. Based on the allocation amount of IOLTA funds, 70% of the cost for the positions is indicated here.	45000	This amount is for two Social Workers who will provide legal program services which the IOLTA and EAF grants will specifically fund. Based on the allocation amount of EAF funds, 30% of the cost for the positions is indicated here.
<b>SUBTOTAL</b>	<b>123000</b>		<b>52000</b>	
4. Employee Benefits	23235	This amount was derived directly from the salaries noted for grant funded personnel. It includes costs for payroll taxes, worker compensation insurance, and health insurance.	9840	This amount was derived directly from the salaries noted for grant funded personnel. It includes costs for payroll taxes, worker compensation insurance, and health insurance.
<b>TOTAL PERSONNEL</b>	<b>146235</b>		<b>61840</b>	

## Non-Personnel

Account Title	IOLTA	Narrative	EAF	Narrative
5. Space	10500	This amount will cover a percentage of office space rent costs for the grant funded Attorney Program Manager and two Social Workers.	4500	This amount will cover a percentage of office space rent costs for the grant funded Attorney Program Manager and two Social Workers.
6. Equipment Rental and Maintenance	350	This amount will provide funding for a percentage of copier/printer equipment lease. The amount corresponds to the personnel and program listed under this budget.	150	This amount will provide funding for a percentage of copier/printer equipment lease. The amount corresponds to the personnel and program listed under this budget.
7. Office Supplies	700	This amount will provide funding for a percentage of basic office supplies. The amount	300	This amount will provide funding for a percentage of basic office supplies. The amount



		corresponds to the personnel and program listed under this budget.		corresponds to the personnel and program listed under this budget.
8. Printing and Postage	700	This amount will provide funding for a percentage of printing and postage costs. The amount corresponds to the personnel and program listed under this budget.	300	This amount will provide funding for a percentage of printing and postage costs. The amount corresponds to the personnel and program listed under this budget.
9. Telecommunications	1400	This amount will provide funding for a percentage of telecommunications costs, including cell phones and office phone systems. The amount corresponds to the personnel and program listed under this budget.	600	This amount will provide funding for a percentage of telecommunications costs, including cell phones and office phone systems. The amount corresponds to the personnel and program listed under this budget.
10. Technology	1050	This amount will provide funding for a percentage of technology costs, including software purchases/licenses, and IT services. The amount corresponds to the personnel and program listed under this budget.	450	This amount will provide funding for a percentage of technology costs, including software purchases/licenses, and IT services. The amount corresponds to the personnel and program listed under this budget.
11. Program Travel	1260	This amount will provide funding for a percentage of program travel costs, including travel to meet with clients, conduct assessments in the field, and attend meetings -- all related to legal services provided to clients. The amount corresponds to the personnel and program listed under this budget.	540	This amount will provide funding for a percentage of program travel costs, including travel to meet with clients, conduct assessments in the field, and attend meetings -- all related to legal services provided to clients. The amount corresponds to the personnel and program listed under this budget.
12. Training	1400	This amount will provide funding for a percentage of training costs, including training seminar fees and associated conference travel. The amount corresponds to the personnel and program listed under this budget.	600	This amount will provide funding for a percentage of training costs, including training seminar fees and associated conference travel. The amount corresponds to the personnel and program listed under this budget.
13. Library	350	This amount will provide funding for a percentage of library costs, including purchases of appropriate texts/materials related to the provision of legal services. The amount corresponds to the personnel and program listed under this budget.	150	This amount will provide funding for a percentage of library costs, including purchases of appropriate texts/materials related to the provision of legal services. The amount corresponds to the personnel and program listed under this budget.
14. Insurance	1400	This amount will provide funding for a percentage of insurance costs, including professional	600	This amount will provide funding for a percentage of insurance costs, including professional



		liability insurance for program personnel and general liability insurance. The amount corresponds to the personnel and program listed under this budget.		liability insurance for program personnel and general liability insurance. The amount corresponds to the personnel and program listed under this budget.
15. Litigation	2500	This amount will provide funding for a percentage of litigation costs, including expert witness fees, process serving fees, court fees, and transcript costs. The amount corresponds to the personnel and program listed under this budget.	0	N/A
16. Capital Additions	0	N/A	0	N/A
17. Contract Service to Clients	0	N/A	0	N/A
18. Evaluation	5250	This amount will provide funding for a percentage of program evaluation costs for the specific program of interdisciplinary legal services to be funded by this grant.	2250	This amount will provide funding for a percentage of program evaluation costs for the specific program of interdisciplinary legal services to be funded by this grant.
19. Other	3710	This amount will provide funding for a percentage of various other program related costs. These include: parking (\$2,835), professional memberships (\$525), and translation services (\$350). The amount corresponds to the personnel and program listed under this budget.	1590	This amount will provide funding for a percentage of various other program related costs. These include: parking (\$1,215), professional memberships (\$225), and translation services (\$150). The amount corresponds to the personnel and program listed under this budget.
<b>TOTAL NON-PERSONNEL</b>	<b>30570</b>		<b>12030</b>	
<b>Administrative</b>				
20. Personnel	9700	This amount will fund a percentage of DAC's Chief Operating Officer and Office Manager positions. The amounts reflect the percentage of time/costs to support the specific grant funded activities.	5025	This amount will fund a percentage of DAC's Chief Operating Officer and Office Manager positions. The amounts reflect the percentage of time/costs to support the specific grant funded activities.
21. Non-Personnel	5915	This amount will cover costs to support general office operations including accounting and audit costs, retirement plan administration fees, payroll service fees, team building activities, marketing costs, and development costs.	2535	This amount will cover costs to support general office operations including accounting and audit costs, retirement plan administration fees, payroll service fees, team building activities, marketing costs, and development costs.
<b>TOTAL ADMINISTRATIVE</b>	<b>15615</b>		<b>7560</b>	
<b>GRAND TOTAL</b>	<b>192420</b>		<b>81430</b>	

## Upload Additional Documents (Optional)

*Please upload any supplemental materials or requested documents*

**ACF\_-\_High\_Quality\_Legal\_Representation\_for\_All\_Parties\_in\_Child\_Welfare\_Proceedings.pdf**

234.3 KB - 10/07/2019 2:39pm

**Attorney\_SW\_Referral\_Form.pdf**

121.4 KB - 10/07/2019 2:22pm

**JV-132.pdf**

111.2 KB - 09/24/2019 5:14pm

Total Files: 3

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
	Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-IM-17-02	2. Issuance Date: January 17, 2017
	3. Originating Office: Children's Bureau	
	4. Key Words: Legal Representation and Child Welfare; Parent Attorney, Children's Attorney, Agency Attorney, Quality Legal Representation	

**TO:** State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs.

**SUBJECT:** High Quality Legal Representation for All Parties in Child Welfare Proceedings

**PURPOSE:** To encourage all child welfare agencies, courts, administrative offices of the courts, and Court Improvement Programs to work together to ensure parents, children and youth, and child welfare agencies, receive high quality legal representation at all stages of child welfare proceedings.

**LEGAL AND RELATED REFERENCES:** Title IV-E and IV-B of the Social Security Act; the Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. 5106a et seq.); the Indian Child Welfare Act of 1978 (ICWA) (Pub. L. 95-608)

## INFORMATION

The purpose of this information memorandum is to emphasize the importance of high quality legal representation in helping ensure a well-functioning child welfare system. This memorandum also highlights important research and identifies best practices and strategies to promote and sustain high quality legal representation for all parents, children and youth, and child welfare agencies in all stages of child welfare proceedings.

The Children's Bureau (CB) strongly encourages all child welfare agencies and jurisdictions (including, state and county courts, administrative offices of the court, and Court Improvement Programs) to work together to ensure that high quality legal representation is provided to all parties in all stages of child welfare proceedings.

### I. Background

Courts play an integral role in the child welfare system. A court order is required to involuntarily remove a child or youth from the home and to find that child or youth dependent.

Once a child is removed from home and placed in out-of-home care, federal law requires that judges make a number of determinations about the safety of the home of removal, the welfare of the child, and that child's permanency plan in order for an agency to receive title IV-E funding.<sup>1</sup>

A court must review agency decisions about the family, the suitability of the child or youth's temporary placement, and the child's permanency plan that will result in family preservation, reunification, or another permanency goal. In order for a judge to make the best possible decisions for a family, it is critical that he or she receive the most accurate and complete information possible from and about all parties. Incomplete or inaccurate information renders judicial decision-making more difficult and may result in delays, increases in the length of time children and youth spend in care, additional costs to state or tribal government, and less beneficial decisions.

Numerous studies and reports point to the importance of competent legal representation for parents, children, and youth in ensuring that salient information is conveyed to the court, parties' legal rights are protected and that the wishes of parties are effectively voiced. There is evidence to support that legal representation for children, parents and youth contributes to or is associated with:

- increases in party perceptions of fairness;
- increases in party engagement in case planning, services and court hearings;
- more personally tailored and specific case plans and services;
- increases in visitation and parenting time;
- expedited permanency; and
- cost savings to state government due to reductions of time children and youth spend in care.

The decisions courts make in child welfare proceedings are serious and life changing. Parents stand the possibility of permanently losing custody and contact with their children. Children and youth are subject to court decisions that may forever change their family composition, as well as connections to culture and heritage. Despite the gravity of these cases and the rights and liabilities at stake, parents, children and youth do not always have legal representation. Child welfare agencies also sometimes lack adequate legal representation. In some states parents or children may not be appointed counsel until a petition to terminate parental rights has been filed. The absence of legal representation for any party at any stage of child welfare proceedings is a significant impediment to a well-functioning child welfare system.

## **II. Parties, Interests and Rights**

The U.S. legal system is based on the premise that parties have a due process right to be heard and that competent legal representation and fair treatment produce just results. Parents, children and youth, and title IV-E/IV-B agencies are all parties to child welfare proceedings. Each may be required to provide sworn testimony under oath in court, each may be cross-examined and all are subject to court orders. All parties have significant liberties or liabilities at stake.

### *Parents*

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<sup>1</sup> 42 U.S.C. 672(a)(2)(A)(ii); 42 U.S.C. 671(a)(15); 45 CFR § 1356.21(b)(2).

The stakes are particularly high for parents in child welfare proceedings as their parental rights may be permanently severed, a right that the United States Supreme Court has identified as a fundamental liberty interest.<sup>2</sup> By any standard this marks a significant deprivation. Termination of parental rights is often referred to as the civil law equivalent of the death penalty.

There is consensus in the field that the rights at stake for parents and the complexity of legal proceedings in child welfare cases require all parents to have competent legal counsel. Parents' attorneys protect parents' rights and can be key problem solvers as counselors at law, helping parents understand their options, the best strategies for maintaining or regaining custody of their children and bringing cases to conclusion.

### *Children and Youth*

Children and youth that have been removed from their families, even for a short period of time, experience a range of trauma and stress. Children and youth are often scared and confused and have incomplete understandings of what is happening to their families and what their future will hold. A recent study characterizes this uncertainty as “ambiguity” and provides evidence that ambiguity (this not knowing where he or she will live or what will happen to him or her) is a tremendous source of trauma.<sup>3</sup>

Federal law recognizes the importance of children having an advocate in judicial proceedings. In order to receive funding under the Child Abuse Prevention and Treatment Act (CAPTA) state grant, the governor of each state must provide an assurance that the state has provisions and procedures requiring “that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings—(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and (II) to make recommendations to the court concerning the best interests of the child.”<sup>4</sup>

While CAPTA allows for the appointment of an attorney and/or a court appointed special advocate (CASA), there is widespread agreement in the field that children require legal representation in child welfare proceedings.<sup>5</sup> This view is rooted in the reality that judicial proceedings are complex and that all parties, especially children, need an attorney to protect and advance their interests in court, provide legal counsel and help children understand the process

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<sup>2</sup> *Santosky v. Kramer*, 455 U.S. 745 (1982).

<sup>3</sup> See Mitchell, Monique. (2016) *The Neglected Transition: Building a Relational Home for Children Entering Foster Care*. Oxford: Oxford University Press.

<sup>4</sup> 42 U.S.C. 5106a (b)(2)(B)(xiii).

<sup>5</sup> One of the findings of the Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC-ChildRep), a project funded by CB, is that there is widespread agreement on the proper role of the child's attorney. The QIC-ChildRep review of the academic literature, national standards, conference recommendations and stakeholder opinion documents the evolution of lawyer representation of children and reveals an emerging consensus on nearly all aspects of the role and duties of the child's legal representative. Even the differences across the debate of client-directed versus best interests are narrowed. The QIC-ChildRep recommends that states adopt the 2011 ABA Model Act as the statutory structure for legal representation of the child. See Appendix A for descriptions of an exemplary specialty office and a statewide model of delivering child representation.

and feel empowered. The confidential attorney-client privilege allows children to feel safe sharing information with attorneys that otherwise may go unvoiced.

In addition to attorneys, children and youth also benefit from a lay guardian ad litem, such as a CASA. CASAs can make important contributions to child welfare proceedings through time spent getting to know the child's needs and reports to the court.

### *Child Welfare Agencies*

Title IV-E/IV-B caseworkers and their supervisors must regularly appear in court. It is incumbent upon these caseworkers and supervisors to provide evidence that the agency has made reasonable efforts (or active efforts where cases are subject to Indian Child Welfare Act<sup>6</sup> (ICWA)) to prevent removals,<sup>7</sup> that it is contrary to the welfare of a child to remain in the home,<sup>8</sup> and that reasonable efforts have been made to finalize a permanency plan.<sup>9</sup>

Attorneys for public child welfare agencies play a crucial role in ensuring that the child welfare agency presents evidence of its diligence in working with families, that reasonable efforts are made, and that there are not undue delays in service provision, case planning or other vital services to keep families safe, together and strong. Agency attorneys can provide valuable oversight as to whether removal or return decisions conform to the proper standards. Such oversight is critical to ensuring judges have the information requisite to make statutorily required judicial determinations. Agency representation has also been identified as a safeguard against case workers engaging in the unauthorized practice of law.

### *State and Territorial Governments*

Concern over the rights of children in care has resulted in federal class action lawsuits alleging civil rights violations. Such lawsuits cost state governments hundreds of millions of dollars in legal defense expenses. It stands to reason that high quality legal representation for all parties may help ensure greater system accountability, thereby reducing the likelihood that such lawsuits are filed in the first place.

### *Tribes and Tribal Governments*

In cases involving an Indian child, it is critical that the right of tribes to intervene and participate in proceedings under ICWA is honored and that an attorney or other representative of the tribe be noticed, present if the tribe deems it appropriate, or otherwise able to fully represent the tribe of which the child is a member or eligible for membership.<sup>10</sup> As sovereign nations, tribes have a statutorily protected interest<sup>11</sup> in member or potential member children who are party to state child welfare proceedings, and it is critical that the tribal voice be heard.

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<sup>6</sup> 25 U.S.C. 1912(d).

<sup>7</sup> 42 U.S.C. 672(a)(2)(A)(ii).

<sup>8</sup> *Id.*

<sup>9</sup> 42 U.S.C. 671(a)(15); 45 CFR § 1356.21(b)(2).

<sup>10</sup> 81 FR 3886/ 25 CFR part 23; see also, the BIA's 2016 ICWA Guidelines (p.8, A.3, re: 23.133). Note that tribes, as sovereign nations, should identify their own representatives in state court proceedings, whether or not the representative is a lawyer. <https://www.bia.gov/cs/groups/public/documents/text/idc2-056831.pdf>

<sup>11</sup> 25 U.S.C. 1901(3).

Failure to provide a meaningful opportunity for tribes to participate in cases involving Indian children is a violation of ICWA<sup>12</sup>, may lead to unnecessary long stays in care, increased foster care costs, appeals, and unnecessary trauma for Indian children and youth.

### III. Increases in Procedural Justice, Fairness and Engagement

State intervention in the lives of families, even when absolutely necessary, is a traumatic experience for children and parents alike. Removal and family separation based on allegations of abuse or neglect typically represent the most difficult and vulnerable time a family may face. During this time, it may be very difficult for a parent to fully trust an agency caseworker. A parent also may not fully understand how the child welfare system works, the relevant laws and his or her legal rights.

Lack of trust and lack of familiarity with the child welfare system can create significant barriers to engagement, especially for youth and parents. Lack of engagement can stand in the way of identifying strengths, needs and resources and impede all elements of case planning. When a parent or youth is unable or unwilling to engage with child protective services or agency caseworkers it is less likely that they will feel the process is fair.

Research supports that when a party experiences a sense of fairness, he or she will be more likely to comply with court orders, return for further hearings, trust the system, and will be less likely to repeat offenses.<sup>13</sup> In the legal field, this feeling of fairness or trust in court proceedings is known as procedural justice.

Researchers have identified four key components to procedural justice: 1) voice – having one's viewpoint heard; 2) neutrality – unbiased decision-makers and transparency of process; 3) respectful treatment – individuals are treated with dignity; 4) trustworthy authorities – the view that the authority is benevolent, caring, and genuinely trying to help.<sup>14</sup>

Several studies and program evaluations examining legal representation in child welfare proceedings have identified competent legal representation as a key element in enhancing party perceptions of procedural justice. A small [study](#) in Mississippi compared the outcomes of child abuse and neglect cases for parents who did and did not have legal representation in two Mississippi counties.<sup>15</sup> Parents who were represented by an attorney believed that they had a greater voice in determining case outcomes, and they understood the court process better than parents without attorneys. In addition, preliminary findings indicate a trend toward more positive

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<sup>12</sup> 25 CFR 23.111.

<sup>13</sup> See generally Leben, S. & Burke, K. (2007-2008) Procedural fairness: A key ingredient in public satisfaction. *Court Review*, 44, 4-17; Tyler, T. & Zimerman, N. (2010) Between Access to Counsel and Access to Justice: A Psychological Perspective. *Fordham Urban Law Journal*, 37, 473-507; Tyler, T. (2007-2008) Procedural justice and the courts. *Court Review*, 44, 26-31; Tyler, T. (1990). *Why People Obey the Law: Procedural Justice, Legitimacy, and Compliance*. New Haven: Yale University Press.

<sup>14</sup> Tyler, T. & Zimerman, N. (2010) Between Access to Counsel and Access to Justice: A Psychological Perspective. *Fordham Urban Law Journal*, 37, 473-507.

<sup>15</sup> Exploring Outcomes Related to Legal Representation for Parents Involved in Mississippi's Juvenile Dependency System, Preliminary Findings, National Council of Juvenile and Family Court Judges (2013) available at: <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=266785>

outcomes in cases where parents were represented by an attorney: they attended court more often, stipulated to fewer allegations, and had their children placed in foster care less often.

The importance of procedural justice has also been recognized by the Conference of Chief Justices and the Conference of State Court Administrators. In 2013, the Conferences jointly adopted a resolution to support and encourage state supreme court leadership to promote procedural fairness, identifying procedural justice as critical for courts to promote citizen's experience of a fair process.<sup>16</sup>

#### **IV. Early Appointment of Counsel, Improved Case Planning, Expedited Permanency and Cost Savings**

There is a growing body of empirical research linking early appointment of counsel (at or prior to a party's initial appearance in court) and effective legal representation in child welfare proceedings to improved case planning, expedited permanency and cost savings to state government.<sup>17</sup> Early appointment of counsel allows attorneys for parents and children to be involved from the very beginning of a case. Attorneys can contest removals, identify fit and willing relatives to serve as respite care providers, advocate for safety plans and identify resources, all of which may help prevent unnecessary removal and placement. Where removal is necessary attorneys for parents and children can be actively involved in case planning, helping to craft solutions that address their client's needs and concerns and expediting reunification or other permanency goals.

The [Quality Improvement Center on the Representation of Children in the Child Welfare System](#) (hereinafter, QIC-ChildRep), a randomized control trial funded by the CB, provided strong evidence that the early appointment of a well-trained attorney for children and youth expedites permanency.<sup>18</sup> Children represented by attorneys trained and practicing under the QIC-ChildRep model in Washington State were 40 percent more likely to experience permanency within the first six months of placement than children represented by non QIC-ChildRep attorneys.<sup>19</sup>

A number of smaller, less rigorous studies lend further support to links between early legal representation and expedited permanency. A pilot study in Texas aimed at earlier appointment of attorneys for parents found that cases where attorneys were appointed within ten days of petition filing had more permanent outcomes (e.g., reunification) than cases in which attorneys were appointed later.<sup>20</sup> A study examining foster care data from multiple jurisdictions found that the

<sup>16</sup> Conference of Chief Justices and Conference of State Court Administrators (2013) Resolution 12: In Support of State Supreme Court Leadership to Promote Procedural Fairness. (<http://ccj.ncsc.org/~media/microsites/files/ccj/resolutions/07312013-support-state-supreme-court-leadership-promote-procedural-fairness-ccj-cosca.ashx>).

<sup>17</sup> See Thornton & Gwin (Spring 2012) *High-Quality Legal Representation for Parents in Child Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, 46 Fam Law Quarterly 139.

<sup>18</sup> See Duquette et. al., (2016) *Children's Justice: How to Improve Legal Representation of Children in the Child Welfare System*, ABA Publications; see also QIC findings: Robbin Pott (2016), *The Flint MDT Study*, in CHILDREN'S JUSTICE.

<sup>19</sup> Olebeke, Zhou, Skles & Zinn, (2016) Evaluation of the QIC-ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System, Chapin Hall. Available at: <http://www.chapinhall.org/qicreport>

<sup>20</sup> Wood, S. M., Summers, A., & Duarte, C.S. (2016). Legal Representation in the Juvenile Dependency System: Travis County, Texas' Parent Representation Pilot Project. *Family Court Review*, 54, 277-287.



presence of the mother's attorney at the preliminary protective hearing (emergency removal hearing) predicted a higher likelihood of reunification.<sup>21</sup>

There is also evidence that legal representation helps ensure more thoughtful and effective case planning. A study conducted in Palm Beach Florida found that children's attorneys practicing in compliance with the practice model resulted in more personally tailored and specific case plans and services, as well as expedited permanency.<sup>22</sup>

Both parents' attorneys and children's attorneys can be helpful in addressing collateral legal issues that may leave families vulnerable, such as housing, employment, immigration, domestic violence, healthcare and public benefits issues -- one or any combination of which may contribute to bringing families into contact with the child welfare system. Such efforts may help prevent children from entering foster care or help children return home sooner.

High quality agency representation brings a number of clear benefits to a jurisdiction's child welfare system. Consistent statewide quality legal representation helps individual caseworker practice and overall statewide performance. More consistent advice and consultation with counsel helps ensure child welfare agencies policies and procedures are followed consistently across the state and that all federal child welfare requirements are met. Agency effort has a direct result on judicial decisions, which in turn directly affects federal monitoring and continuous quality improvement efforts such as the title IV-E foster care eligibility reviews and Child and Family Services Reviews (CFSR).

Agency representation provides legal guidance to child welfare agencies that helps caseworkers meet legal standards governing caseworker visits, evidentiary burdens, compliance with court orders, and existing law. Consistent and adequate representation is likely to reduce the number of court hearings required and make court hearings more focused and efficient. Consistent agency representation also helps child welfare agencies avoid over-intervention while still protecting those children at risk.

The most rigorous research effort examining agency representation to date found that agency attorneys who represented the agency as a client (the agency representation model) and received specialized training achieved permanent placement decisions for children on average 250 days more quickly than attorneys external to the agency (also known as the prosecutorial model) representing the state<sup>23</sup>. Data also indicated significant state savings because of the reduction in time children spent in temporary foster care placements.

## **V. Standards of Practice, Specialization, and Quality Assurance**

Leading national organizations have long emphasized that the gravity of the interests at stake in child welfare cases require well-trained legal representation for all parties at all stages of child

<sup>21</sup> Wood., S.M., & Russell, J.R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 730-1741.

<sup>22</sup> See Zinn, A. & Slowriver, J. (2008), *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County*. Chapin Hall Center for Children at the University of Chicago available at <https://www.chapinhall.org/research/report/expediting-permanency>

<sup>23</sup> See Herring, D. (1993). Legal Representation for the State Child Welfare Agency in Civil child Protection Proceedings: A Comparative Study. *Tol L. Rev.* 603

welfare proceedings. Most notably, the ABA has passed [national standards](#) of practice for parent attorneys, attorneys for children and youth, and counsel for public child welfare agencies in child welfare proceedings.<sup>24</sup> The standards have been widely supported, adopted by many state bar associations and written into court rules and legislation across the country. Under the standards, attorneys practicing child welfare law are required to have a minimum number of child welfare law training hours and provide practice guidance to ensure attorneys represent their clients ethically. CB strongly encourages all states to adopt standards of practice for parents, children and youth, and the child welfare agency to help ensure all parties receive high quality legal representation.

CB has invested in the ABA accredited [Child Welfare Legal Specialist \(CWLS\) Certification](#) program administered by the National Association of Counsel for Children (NACC), which has resulted in over 600 attorneys and judges around the country obtaining CWLS certification.<sup>25</sup> Certification requires attorneys to complete a self-directed course of study, submit work product, and take a test to demonstrate knowledge of applicable child welfare law and practice. CB strongly encourages all attorneys and judges practicing child welfare law to obtain CWLS certification. CB also strongly encourages all Court Improvement Programs, courts, and bar associations to work together to support attorneys and judges that practice child welfare law to obtain CWLS certification.

The QIC-ChildRep provided empirical evidence that specialized child welfare law training and coaching can positively impact attorney behavior and result in more effective representation of children. QIC-ChildRep lawyers changed their behavior to conform to the practice model, resulting in greater contact with clients, increased communications with other important collateral contacts and were more actively involved in conflict resolution and negotiation activities.

Related research has determined that training can impact judges' behavior on the bench. This may hold true for attorney practice as well. A recent [study](#) completed by the National Council of Juvenile and Family Court Judges (NCJFCJ) lends further support to the importance of training legal professionals.<sup>26</sup> The study, which looked at the effect that judicial participation in NCJFCJ's Child Abuse and Neglect Institute had on judicial practice in court hearing revealed that, post-training, judges were more likely to use specific strategies to engage parents in the court process. Judges also asked more questions after the training and were more likely to discuss child well-being and services that would allow the child to return home. This indicates the training was effective in increasing engagement of parents in the process and improving the overall quality of dependency hearings.

## **VI. Caseload, Ethics, and Quality Legal Representation**

The larger the caseload, the less a lawyer can do for any individual client. The NACC recommends a standard of 100 active clients for a full-time attorney.<sup>27</sup> The NACC based this

<sup>24</sup>Available at: [http://www.americanbar.org/groups/child\\_law/tools\\_to\\_use.html](http://www.americanbar.org/groups/child_law/tools_to_use.html)

<sup>25</sup> Available at: <http://www.naccchildlaw.org/?page=certification>

<sup>26</sup> Child Abuse and Neglect Institute Evaluation: Training Impact on Hearing Practice (2016) available at: <http://www.ncjfcj.org/CANI-Report-2016>

<sup>27</sup> National Association of Counsel for Children, *Child Welfare Law Guidebook*, 2006, at 54.

recommendation on a rough calculation that the average attorney has 2000 hours available per year and that the average child client would require about 20 hours of attention in the course of a year.<sup>28</sup> In the federal class action lawsuit filed against the state of Georgia, *Kenny A. v. Deal*, one of the allegations was that overly large caseloads for children's attorneys violated children's constitutional rights to competent legal counsel. The court heard expert testimony from NACC regarding caseload size. Evidence gained through the testimony became a key consideration in the court's finding that foster children have a right to an effective lawyer who is not burdened by excessive caseloads in dependency cases.

Other research and guidelines recommend smaller caseloads. In the QIC-ChildRep study, the adjusted caseload of the sample was 60 cases. That is, even when child representation occupied only a portion of a lawyer's practice, when the number of cases is adjusted for the percentage of effort required for child representation, the typical caseload was approximately 60 cases.

Data gained from the QIC-ChildRep shows benefits to smaller caseloads.<sup>29</sup> The QIC-ChildRep asked attorneys to do much more than appear in court, the theory being the more an attorney knows about the facts of the case and the competencies and challenges of his or her client the better he or she will be able to represent that client and that proper representation requires considerable work and advocacy outside of the courtroom. For child clients, where it is critical to observe the child in school and in placement settings and regularly communicate with collateral contacts such as teachers, foster parents and service providers, this could require several hours of effort a month per client. It is also the child's attorney's duty to independently verify the facts of the case.

A 2008 caseload study by the Judicial Council of California recommended a caseload of 77 clients per full-time dependency attorney to achieve an optimal best practice standard of performance.<sup>30</sup> The Massachusetts Committee for Public Counsel Services, which provides counsel for children and parents in dependency cases, enforces a caseload of 75 open cases.<sup>31</sup> In a very detailed systematic study, a Pennsylvania workgroup carefully broke down the tasks and expected time required throughout the life of a case and matched that to attorney hours available in a year. They concluded that caseloads for children's lawyers should be set at 65 per full time lawyer.<sup>32</sup>

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<sup>28</sup> NACC, Pitchal, Freundlich, and Kendrick, *Evaluation of the Guardian ad Litem System in Nebraska*, (December 2009) at 42-43, available at

[http://c.ymcdn.com/sites/www.naccchildlaw.org/resource/resmgr/nebraska/final\\_nebraska\\_gal\\_report\\_12.pdf](http://c.ymcdn.com/sites/www.naccchildlaw.org/resource/resmgr/nebraska/final_nebraska_gal_report_12.pdf)

<sup>29</sup> The QIC-Child Rep found a one-standard-deviation increase (20 cases) in the size of dependency caseload is associated with a 22 percent decrease in the monthly rate of investigation and document review and a 9 percent decrease in the monthly rate of legal case preparation activities.

<sup>30</sup> CA Dependency Counsel Caseload Standards A Report To The California Legislature April 2008 by the Judicial Council of California Administrative Office of the Courts Center for Families, Children & the Courts, available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm>

<sup>31</sup> Massachusetts Policies and Procedures.

[https://www.publiccounsel.net/private\\_counsel\\_manual/CURRENT\\_MANUAL\\_2010/MANUALChap5links3.pdf](https://www.publiccounsel.net/private_counsel_manual/CURRENT_MANUAL_2010/MANUALChap5links3.pdf)

<sup>32</sup> 2014 Pennsylvania State Roundtable Report: Moving Children to Timely Permanency, available at <http://www.ocfcpacourts.us/childrens-roundtable-initiative/state-roundtable-workgroupscommittees/legal-representation/state-roundtable-reports>

Given the rights at stake for parents in dependency cases it is vital for parent attorneys to have reasonable caseloads. Ethical representation of parents in dependency proceedings requires considerable time and attention out of court. Legal scholars, practitioners and parents that have been involved with the system agree that it is the work done out of court that makes the biggest impact in dependency cases. Building trusting attorney-client relationships, being a counselor at law that helps a parent understand the system, working together to identify acceptable respite or substitute care options, developing safety plans, attending agency planning meetings, and identifying appropriate services all require a tremendous amount of time.

The higher the caseload, the less time an attorney will have to represent her client. Excessive caseloads make it harder for all attorneys to meet with clients, learn the facts of each particular case and prepare for court. This may result in increased frequency of scheduling conflicts, higher numbers of requests for continuances, undue delays in case resolution, and poor representation for all parties. The costs associated with each consequence are high for families and jurisdictions alike.

## **VII. Models of Delivering Legal Representation for Child Welfare Proceedings**

There are three predominant models of delivering legal representation for children and parents: centralized state or county government offices; independent offices that specialize in child welfare law; and private practitioners that are either appointed by judges or assigned to cases as members of a pool of attorneys who handle child welfare cases in a jurisdiction. The vast majority of attorneys representing children and parents fall into the last group, private practitioners. For this group of attorneys, child welfare law often accounts for only a portion of their practice.

Some government and private specialty law offices utilize a multi-disciplinary team approach, which pairs or provides attorneys with access to independent social workers and/or includes a peer parent advocate. Evaluations of models that employ these types of teams are yielding very positive results. Regardless of the type of attorney or model of representation -- standards of practice, reasonable caseloads, ongoing training, connections to support (such as social workers, peer parent advocates or investigators) and effective oversight are important factors in ensuring high quality legal representation. See Appendix A for descriptions of exemplary models of delivering parent and child representation.

### *Parent Representation*

The ABA Standards of Representation for Parents in Child Welfare Proceedings provide clear guidance that is applicable to all models of delivering parent representation. The standards emphasize the need for parent attorneys to be both counselors at law and zealous legal advocates. The counselor at law role requires an attorney to take the time to learn and understand their client's life circumstances, including their strengths and needs and the resources he or she has available. Such information is identified as critical to helping best represent the client.

The standards further articulate that helping clients understand when and how it is most important to cooperate with the child welfare agency is also crucial. Under the standards,

traditional, zealous legal representation is necessary, but insufficient to achieve the best outcomes for parents and families. Rather, the complexities of child welfare proceedings require the parent attorney to simultaneously assume multiple roles including: advisor, teacher and advocate. It is through this combination of roles that comprehensive representation and the best possible outcome are achieved.

CB strongly encourages all jurisdictions to provide legal representation to all parents in all stages of child welfare proceedings. CB further encourages all jurisdictions to consider providing such representation as part of a multi-disciplinary team.

### *Child Representation*

Regardless of the model of child representation, the QIC-ChildRep approach is a useful tool for states and individual practitioners to consider. The approach is based on an enhanced version of the ABA Standards of Legal Representation for Children and aligns very closely with procedural justice research. The model calls for proactive lawyering, advocacy and problem-solving.

The model encourages attorneys to utilize six [core skills](#): (1) enter the child's world; (2) assess child safety; (3) actively evaluate needs; (4) advance case planning; (5) develop a theory of the case; and (6) advocate effectively.<sup>33</sup> Taken together, the core skills empower attorneys to have a well-informed understanding of the particular strengths, needs, and resources of the child's family, and an understanding of the child's wishes (where they are able to be expressed). It is this vital individual child and family information that allows the attorney to take an active role in representing the child in case planning and to effectively advocate on his or her behalf.

While the QIC-ChildRep was developed specifically for child representation and the study looked exclusively at child representation, with minor modification the six core skills may be equally valuable for parent representation.

CB strongly encourages all jurisdictions to provide legal representation to all children and youth at all stages of child welfare proceedings. CB further encourages all jurisdictions to consider providing such representation as part of a multi-disciplinary team.

### *Child Welfare Agency Representation*

Many states do not currently provide adequate representation to the state's child welfare agencies or their contract agencies. The agency may be represented differently from county to county, or not directly at all. Consequently, the agency is often deprived of the benefits of having legal guidance in the investigation and disposition of their cases. Absent effective legal counsel, caseworkers lack the knowledge to be effective in court and may unwittingly fall into unlawful practice of law.

There are two basic models of representation for state and county government in child welfare proceedings: the agency representation model and the prosecutorial model. As the names

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<sup>33</sup>QIC ChildRep Model and Core Skills *available at*:  
<http://www.improvechildrep.org/DemonstrationProjects/BestPracticeModelSixCoreSkills.aspx>

suggest, the agency representation model provides for an attorney or office of attorneys that represents the public child welfare agency. Under this model, the attorney(s) provide legal counsel and advice to the child welfare agency leadership. This includes counsel on specific cases, overall legal approaches to the work, and policy. The agency attorney also represents the child welfare agency in court. Agency attorneys prepare all legal documents, filings and petitions for the agency and work closely with agency caseworkers to prepare them for court. Agency attorneys also play a critical role in holding case workers accountable. It is important to note, however, that the agency attorney does not represent the caseworker individually.

Under the prosecutorial model, the attorney represents the people or the state, much as a district or county prosecutor would in a criminal case. The prosecutorial model treats the agency as the complaining witness, as opposed to a client. Often attorneys operating under the prosecutorial model are employed by the state or county district attorney's office. Some attorneys practicing under this model may also practice criminal law; other offices exist as a separate unit within the prosecutor's office and handle exclusively child welfare cases. Under this model, the public child welfare agency does not have direct legal representation. This approach is not favored today.<sup>34</sup>

The agency representation model finds strong support in the ABA standards, existing research and efforts to protect against the unlawful practice of law. States will find a helpful resource in the ABA Standards of Practice for Lawyers Representing Child Welfare Agencies.

A 2016 study of dependency representation in Oregon identified inconsistent state and agency representation, a lack of uniform practice, and complicated financial models as challenges to timely and effective case planning and case management, stating that “obstacles to adequate and effective representation for all parties stand in the way of better outcomes for Oregon’s children and families.”<sup>35</sup>

Furthermore, the Oregon report found that a model of government representation that provides full representation for the agency in all hearings and out-of-court activities will ultimately eliminate the risk of unlawful practice of law by child welfare employees in the courtroom, and increase outcomes for children and families in Oregon. This recommendation would eliminate “the state” as a party to dependency cases and ensure the child welfare agency is fully represented and has access to consultation with counsel.

CB strongly encourages all jurisdictions to implement the agency representation model to ensure consistent legal representation that supports child welfare agencies to meet all federal requirements.

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<sup>34</sup> See Silverthorn, B. (2016) *Agency Representation in Child Welfare Proceedings*, Child Welfare Law and Practice: Representing Children, Parents and State Agencies in Abuse, Neglect, and Dependency Cases. Bradford

<sup>35</sup> See Oregon Task Force on Dependency Representation Report, July, 2016, *available at* [http://courts.oregon.gov/OJD/docs/OSCA/JFCPD/Juvenile/EYES-2016/Dependency%20Representation%20Task%20Force%20Report%20\(full\).pdf](http://courts.oregon.gov/OJD/docs/OSCA/JFCPD/Juvenile/EYES-2016/Dependency%20Representation%20Task%20Force%20Report%20(full).pdf)

## VIII. Best Practice Considerations

There are a number of strategies that a jurisdiction can employ to ensure high quality legal representation for all parties in child welfare proceedings. Each of the below can be adjusted in scale and approach to meet the unique characteristics and resources available in all jurisdictions. There are also a number of best practices that attorney offices or independent attorneys practicing child welfare law can adopt to provide high quality legal representation. Both structural and attorney best practices are included below.

### *Structural Best Practices to Ensure High Quality Legal Representation*

- Adopt, implement, and monitor statewide standards of practice for parents’ attorneys, children’s attorneys and agency attorneys.
- Implement binding authority or constitutional protection requiring parents, children and youth to be appointed legal counsel at or before the initial court appearance in all cases.
- Develop a formal oversight system for parents’ attorneys and children’s attorneys to ensure quality assurance. This can be achieved through the creation of an office, the addition of a division to an existing office such as the public defender’s office, as a duty for the presiding family court judge, through the work of a committee or by any other means that are used to ensure accountability and continuous quality improvement. In determining the assignment of oversight responsibilities, it is important to address any conflict of interest issues.
- Require mandatory initial child welfare training for parents’ attorneys, children’s attorneys and agency attorneys. Where resources do not exist for in-person training or geographical challenges make attendance difficult, states are encouraged to explore distance learning and online training experiences.
- Institute mandatory annual training requirements for parents’ attorneys, children’s attorneys and agency attorneys. Child welfare law and regulations and court rules change regularly at the state and federal level. It is important to have an effective way to keep all attorneys up-to-date. Annual update or “booster shot” trainings are one effective way to ensure all practitioners are kept current in law and practice.
- Support adequate payment and benefits to “professionalize” this type of law practice, and move from a contract system with competing priorities to an employment system like other indigent and state agency representation.
- Support a payment system for parent and child representation that is designed to promote high quality, ethical legal representation and discourages overly large caseloads.

### *Attorney Best Practices to Provide High Quality Legal Representation*

- Communicate regularly with clients (at least monthly and after all significant developments or case changes) and in-person when possible.
- Ensure that language translation services and other accommodations to ensure equal access and full participation in all processes are available to all clients at all stages of child welfare proceedings.
- Thoroughly prepare for and attend all court hearings and reviews.

- Thoroughly prepare clients for court, explain the hearing process and debrief after hearing are complete to make sure clients understand the results. For children this must be done in a developmentally appropriate way.
- Regularly communicate with collateral contacts (i.e., treatment providers, teachers, social workers).
- Meet with clients outside of court (this provides attorneys an opportunity to observe clients in multiple environments and independently verify important facts).
- Conduct rigorous and complete discovery on every case.
- Independently verify facts contained in allegations and reports.
- Have meaningful and ongoing conversation with all clients about their strengths, needs, and wishes.
- Regularly ask all clients what would be most helpful for his or her case, what is working, and whether there is any service or arrangement that is not helpful, and why.
- Work with every client to identify helpful relatives for support, safety planning and possible placement.
- Attend and participate in case planning, family group decision-making and other meetings a client may have with the child welfare agency.
- Work with clients individually to develop safety plan and case plan options to present to the court.
- File motions and appeals when necessary to protect each client's rights and advocate for his or her needs.

## **IX. Conclusion**

The child welfare system is intended to keep families safe, together and strong, and where that is not possible to find the next best option for children and youth. To realize this potential it is critical that children and families experience the system as transparent and fair, one in which rights are protected and options are known, co-created and understood. Providing high quality legal representation to all parties at all stages of dependency proceedings is crucial to realizing these basic tenets of fairness and due process under the law. Moreover, research shows that legal representation for all parties in child welfare proceedings is clearly linked to increased party engagement, improved case planning, expedited permanency and cost savings to state government. CB strongly encourages all jurisdictions to work together to ensure all parties receive high quality legal representation at all stages of dependency proceedings.

**Inquiries:** CB Regional Program Managers

/ s /

Rafael López  
Commissioner  
Administration on Children, Youth & Families



**Attachments:**

A - Models of Delivering Parent Representation

B - CB Regional Office Program Managers

**RESOURCES**

ABA Standards of Representation for Parents, Children, and Child Welfare Agencies

[http://www.americanbar.org/groups/child\\_law/tools\\_to\\_use.html](http://www.americanbar.org/groups/child_law/tools_to_use.html)

NACC Child Welfare Legal Specialist Certification (CWLS)

<http://www.naccchildlaw.org/?page=certification>

Quality Improvement Center for the Representation of Children in the Child Welfare System.  
(QIC-ChildRep) Practice Model

<http://www.improvechildrep.org/DemonstrationProjects/QICChildRepBestPracticeModel.aspx>

NCJFCJ Enhanced Resource Guidelines

<http://www.ncjfcj.org/ncjfcj-releases-enhanced-resource-guidelines>

Child Welfare Capacity Building Center for Courts

<https://capacity.childwelfare.gov/courts/>



**ATTORNEY REQUEST TO ASSIGN SOCIAL WORKER**

**Referral Date:** \_\_\_\_\_ **Referring Attorney:** \_\_\_\_\_

**Date Work to be Completed:** \_\_\_\_\_ **Department:**      67      68      69      107

**Name of Client:** \_\_\_\_\_

**Is Client’s income 125% or less of the current federal poverty threshold?**      YES      NO

**Is client a member of the following underserved client groups? (check all that apply)**

☐ Juvenile/Minor      ☐ Victim of Intimate Partner Violence      ☐ Monolingual Non-English Speaking

<b>Client’s Child(ren): (if applicable)</b>	<b>Name</b>	<b>DOB</b>	<b>JD Number</b>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**Client Contact Information (provide address, email and/or phone number):**

\_\_\_\_\_

**Action requested (i.e., talk to client about case plan progress, provide referrals for services, support client at CFT, assess visitation). Please note if an interpreter or other accommodation is required.**

\_\_\_\_\_

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\_\_\_\_\_

**Conflicts check completed:** Y / N    **Date:** \_\_\_\_\_    **Initials:** \_\_\_\_\_

**CONFIDENTIAL**

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILDREN'S NAMES:	
<b>FINANCIAL DECLARATION—JUVENILE DEPENDENCY</b>	CASE NUMBER:

**1. Personal Information:**

Name:		Social Security Number:	
Other names used:			
I.D. or Driver's License Number:		Date of Birth:	Age:
Relationship to Child: <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Other Responsible Person (specify):			
Street or Mailing Address:			
City:	State:	Zip:	Phone: Alternate Phone:
Marital Status: <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Domestic partner <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			
Name of Spouse/Partner:		Number of dependents living with you:	
Names and ages of dependents:			

2. I receive (check all that apply): ☐ Medi-Cal ☐ SNAP (food stamps) ☐ SSI ☐ SSP  
☐ County Relief/General Assistance ☐ CalWORKS or Tribal TANF (Temporary Assistance to Needy Families)  
☐ IHSS (In-Home Supportive Services) ☐ CAPI (Case Assistance Program for Aged, Blind, and Disabled)

3. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$460.42 for each extra person.
1	\$1,301.05	3	\$2,221.88	5	\$3,142.71	
2	\$1,761.46	4	\$2,682.30	6	\$3,603.13	

4. ☐ I have been reunified with my child(ren) under a court order (attached).

5. ☐ I am receiving court-ordered reunification services.

**CONFIDENTIAL****JV-132**

CHILDREN'S NAMES:	CASE NUMBER:
RESPONSIBLE PERSON'S NAME:	

**6. Employment:**

Your Employment				Your Spouse/Partner's Employment			
Employer:				Employer:			
Address:				Address:			
City and Zip Code:		Phone:		City and Zip Code:		Phone:	
Type of Job:				Type of Job:			
How long employed:	Working now?	Monthly salary:	Take home pay:	How long employed:	Working now?	Monthly salary:	Take home pay:
If not now employed, who was your last employer? (Name, Address, City, and Zip Code):				If not now employed, who was this person's last employer? (Name, Address, City, and Zip Code):			
Phone number of last employer:				Phone number of last employer:			

**7. Other Monthly Income and Assets:**

Other Income	Assets: What Do You Own?
Unemployment .....\$	Cash ..... \$
Disability ..... \$	Real Property/Equity ..... \$
Social Security ..... \$	Cars and Other Vehicles ..... \$
Workers' Compensation ..... \$	Life Insurance ..... \$
Child Support Payments ..... \$	Bank Accounts ( <i>list below</i> )..... \$
Foster Care Payments .....\$	Stocks and Bonds ..... \$
Other Income ..... \$	Business Interest ..... \$
Total \$	Other Assets ..... \$
	Total \$
	Name and branch of bank:
	Account numbers:

**CONFIDENTIAL**

CHILDREN'S NAMES:	CASE NUMBER:
RESPONSIBLE PERSON'S NAME:	

**8. Expenses:**

Monthly Household Expenses	Reunification Plan: Monthly Cost of Required Services
Rent or Mortgage Payment ..... \$	Parenting Classes ..... \$
Car Payment ..... \$	Substance Abuse Treatment ..... \$
Gas and Car Insurance ..... \$	Therapy/Counseling ..... \$
Public Transportation ..... \$	Medical Care/Medications ..... \$
Utilities (Gas, Electric, Phone, Water, etc.).... \$	Domestic Violence Counseling ..... \$
Food ..... \$	Batterers' Intervention ..... \$
Clothing and Laundry ..... \$	Victim Support ..... \$
Child Care ..... \$	Regional Center Programs ..... \$
Child Support Payments ..... \$	Transportation ..... \$
Medical Payments ..... \$	In-Home Services ..... \$
Other Necessary Monthly Expenses .....	Other ..... \$
Total \$	Total \$

**9. Loan/Expense Payments (other than mortgage or car loan):**

Name of lender and type of loan/expense	Monthly payment	Balance owed
	\$	\$
	\$	\$
	\$	\$
	\$	\$

I declare under penalty of perjury under the laws of the State of California that the above information is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

**FOR FINANCIAL EVALUATION OFFICER USE ONLY**

TOTAL INCOME	\$	COST OF LEGAL SERVICES	\$
TOTAL EXPENSES	\$	MONTHLY PAYMENT	\$
NET DISPOSABLE INCOME	\$	TOTAL COST ASSESSED	\$

The above-named responsible person is presumed unable to pay reimbursement for the cost of legal services in this proceeding and is eligible for a waiver of liability because

- ☐ he or she receives qualifying public benefits
- ☐ his or her household income falls below 125% of the current federal poverty guidelines
- ☐ he or she has been reunified with the child(ren) under a court order and payment of reimbursement would harm his or her ability to support the child(ren).

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF FINANCIAL EVALUATION OFFICER)

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
	Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-IM-17-02	2. Issuance Date: January 17, 2017
	3. Originating Office: Children's Bureau	
	4. Key Words: Legal Representation and Child Welfare; Parent Attorney, Children's Attorney, Agency Attorney, Quality Legal Representation	

**TO:** State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs.

**SUBJECT:** High Quality Legal Representation for All Parties in Child Welfare Proceedings

**PURPOSE:** To encourage all child welfare agencies, courts, administrative offices of the courts, and Court Improvement Programs to work together to ensure parents, children and youth, and child welfare agencies, receive high quality legal representation at all stages of child welfare proceedings.

**LEGAL AND RELATED REFERENCES:** Title IV-E and IV-B of the Social Security Act; the Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. 5106a et seq.); the Indian Child Welfare Act of 1978 (ICWA) (Pub. L. 95-608)

## INFORMATION

The purpose of this information memorandum is to emphasize the importance of high quality legal representation in helping ensure a well-functioning child welfare system. This memorandum also highlights important research and identifies best practices and strategies to promote and sustain high quality legal representation for all parents, children and youth, and child welfare agencies in all stages of child welfare proceedings.

The Children's Bureau (CB) strongly encourages all child welfare agencies and jurisdictions (including, state and county courts, administrative offices of the court, and Court Improvement Programs) to work together to ensure that high quality legal representation is provided to all parties in all stages of child welfare proceedings.

### I. Background

Courts play an integral role in the child welfare system. A court order is required to involuntarily remove a child or youth from the home and to find that child or youth dependent.

Once a child is removed from home and placed in out-of-home care, federal law requires that judges make a number of determinations about the safety of the home of removal, the welfare of the child, and that child's permanency plan in order for an agency to receive title IV-E funding.<sup>1</sup>

A court must review agency decisions about the family, the suitability of the child or youth's temporary placement, and the child's permanency plan that will result in family preservation, reunification, or another permanency goal. In order for a judge to make the best possible decisions for a family, it is critical that he or she receive the most accurate and complete information possible from and about all parties. Incomplete or inaccurate information renders judicial decision-making more difficult and may result in delays, increases in the length of time children and youth spend in care, additional costs to state or tribal government, and less beneficial decisions.

Numerous studies and reports point to the importance of competent legal representation for parents, children, and youth in ensuring that salient information is conveyed to the court, parties' legal rights are protected and that the wishes of parties are effectively voiced. There is evidence to support that legal representation for children, parents and youth contributes to or is associated with:

- increases in party perceptions of fairness;
- increases in party engagement in case planning, services and court hearings;
- more personally tailored and specific case plans and services;
- increases in visitation and parenting time;
- expedited permanency; and
- cost savings to state government due to reductions of time children and youth spend in care.

The decisions courts make in child welfare proceedings are serious and life changing. Parents stand the possibility of permanently losing custody and contact with their children. Children and youth are subject to court decisions that may forever change their family composition, as well as connections to culture and heritage. Despite the gravity of these cases and the rights and liabilities at stake, parents, children and youth do not always have legal representation. Child welfare agencies also sometimes lack adequate legal representation. In some states parents or children may not be appointed counsel until a petition to terminate parental rights has been filed. The absence of legal representation for any party at any stage of child welfare proceedings is a significant impediment to a well-functioning child welfare system.

## **II. Parties, Interests and Rights**

The U.S. legal system is based on the premise that parties have a due process right to be heard and that competent legal representation and fair treatment produce just results. Parents, children and youth, and title IV-E/IV-B agencies are all parties to child welfare proceedings. Each may be required to provide sworn testimony under oath in court, each may be cross-examined and all are subject to court orders. All parties have significant liberties or liabilities at stake.

### *Parents*

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<sup>1</sup> 42 U.S.C. 672(a)(2)(A)(ii); 42 U.S.C. 671(a)(15); 45 CFR § 1356.21(b)(2).

The stakes are particularly high for parents in child welfare proceedings as their parental rights may be permanently severed, a right that the United States Supreme Court has identified as a fundamental liberty interest.<sup>2</sup> By any standard this marks a significant deprivation. Termination of parental rights is often referred to as the civil law equivalent of the death penalty.

There is consensus in the field that the rights at stake for parents and the complexity of legal proceedings in child welfare cases require all parents to have competent legal counsel. Parents' attorneys protect parents' rights and can be key problem solvers as counselors at law, helping parents understand their options, the best strategies for maintaining or regaining custody of their children and bringing cases to conclusion.

### *Children and Youth*

Children and youth that have been removed from their families, even for a short period of time, experience a range of trauma and stress. Children and youth are often scared and confused and have incomplete understandings of what is happening to their families and what their future will hold. A recent study characterizes this uncertainty as “ambiguity” and provides evidence that ambiguity (this not knowing where he or she will live or what will happen to him or her) is a tremendous source of trauma.<sup>3</sup>

Federal law recognizes the importance of children having an advocate in judicial proceedings. In order to receive funding under the Child Abuse Prevention and Treatment Act (CAPTA) state grant, the governor of each state must provide an assurance that the state has provisions and procedures requiring “that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings—(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and (II) to make recommendations to the court concerning the best interests of the child.”<sup>4</sup>

While CAPTA allows for the appointment of an attorney and/or a court appointed special advocate (CASA), there is widespread agreement in the field that children require legal representation in child welfare proceedings.<sup>5</sup> This view is rooted in the reality that judicial proceedings are complex and that all parties, especially children, need an attorney to protect and advance their interests in court, provide legal counsel and help children understand the process

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<sup>2</sup> *Santosky v. Kramer*, 455 U.S. 745 (1982).

<sup>3</sup> See Mitchell, Monique. (2016) *The Neglected Transition: Building a Relational Home for Children Entering Foster Care*. Oxford: Oxford University Press.

<sup>4</sup> 42 U.S.C. 5106a (b)(2)(B)(xiii).

<sup>5</sup> One of the findings of the Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC-ChildRep), a project funded by CB, is that there is widespread agreement on the proper role of the child's attorney. The QIC-ChildRep review of the academic literature, national standards, conference recommendations and stakeholder opinion documents the evolution of lawyer representation of children and reveals an emerging consensus on nearly all aspects of the role and duties of the child's legal representative. Even the differences across the debate of client-directed versus best interests are narrowed. The QIC-ChildRep recommends that states adopt the 2011 ABA Model Act as the statutory structure for legal representation of the child. See Appendix A for descriptions of an exemplary specialty office and a statewide model of delivering child representation.



and feel empowered. The confidential attorney-client privilege allows children to feel safe sharing information with attorneys that otherwise may go unvoiced.

In addition to attorneys, children and youth also benefit from a lay guardian ad litem, such as a CASA. CASAs can make important contributions to child welfare proceedings through time spent getting to know the child's needs and reports to the court.

### *Child Welfare Agencies*

Title IV-E/IV-B caseworkers and their supervisors must regularly appear in court. It is incumbent upon these caseworkers and supervisors to provide evidence that the agency has made reasonable efforts (or active efforts where cases are subject to Indian Child Welfare Act<sup>6</sup> (ICWA)) to prevent removals,<sup>7</sup> that it is contrary to the welfare of a child to remain in the home,<sup>8</sup> and that reasonable efforts have been made to finalize a permanency plan.<sup>9</sup>

Attorneys for public child welfare agencies play a crucial role in ensuring that the child welfare agency presents evidence of its diligence in working with families, that reasonable efforts are made, and that there are not undue delays in service provision, case planning or other vital services to keep families safe, together and strong. Agency attorneys can provide valuable oversight as to whether removal or return decisions conform to the proper standards. Such oversight is critical to ensuring judges have the information requisite to make statutorily required judicial determinations. Agency representation has also been identified as a safeguard against case workers engaging in the unauthorized practice of law.

### *State and Territorial Governments*

Concern over the rights of children in care has resulted in federal class action lawsuits alleging civil rights violations. Such lawsuits cost state governments hundreds of millions of dollars in legal defense expenses. It stands to reason that high quality legal representation for all parties may help ensure greater system accountability, thereby reducing the likelihood that such lawsuits are filed in the first place.

### *Tribes and Tribal Governments*

In cases involving an Indian child, it is critical that the right of tribes to intervene and participate in proceedings under ICWA is honored and that an attorney or other representative of the tribe be noticed, present if the tribe deems it appropriate, or otherwise able to fully represent the tribe of which the child is a member or eligible for membership.<sup>10</sup> As sovereign nations, tribes have a statutorily protected interest<sup>11</sup> in member or potential member children who are party to state child welfare proceedings, and it is critical that the tribal voice be heard.

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<sup>6</sup> 25 U.S.C. 1912(d).

<sup>7</sup> 42 U.S.C. 672(a)(2)(A)(ii).

<sup>8</sup> *Id.*

<sup>9</sup> 42 U.S.C. 671(a)(15); 45 CFR § 1356.21(b)(2).

<sup>10</sup> 81 FR 3886/ 25 CFR part 23; see also, the BIA's 2016 ICWA Guidelines (p.8, A.3, re: 23.133). Note that tribes, as sovereign nations, should identify their own representatives in state court proceedings, whether or not the representative is a lawyer. <https://www.bia.gov/cs/groups/public/documents/text/idc2-056831.pdf>

<sup>11</sup> 25 U.S.C. 1901(3).

Failure to provide a meaningful opportunity for tribes to participate in cases involving Indian children is a violation of ICWA<sup>12</sup>, may lead to unnecessary long stays in care, increased foster care costs, appeals, and unnecessary trauma for Indian children and youth.

### **III. Increases in Procedural Justice, Fairness and Engagement**

State intervention in the lives of families, even when absolutely necessary, is a traumatic experience for children and parents alike. Removal and family separation based on allegations of abuse or neglect typically represent the most difficult and vulnerable time a family may face. During this time, it may be very difficult for a parent to fully trust an agency caseworker. A parent also may not fully understand how the child welfare system works, the relevant laws and his or her legal rights.

Lack of trust and lack of familiarity with the child welfare system can create significant barriers to engagement, especially for youth and parents. Lack of engagement can stand in the way of identifying strengths, needs and resources and impede all elements of case planning. When a parent or youth is unable or unwilling to engage with child protective services or agency caseworkers it is less likely that they will feel the process is fair.

Research supports that when a party experiences a sense of fairness, he or she will be more likely to comply with court orders, return for further hearings, trust the system, and will be less likely to repeat offenses.<sup>13</sup> In the legal field, this feeling of fairness or trust in court proceedings is known as procedural justice.

Researchers have identified four key components to procedural justice: 1) voice – having one's viewpoint heard; 2) neutrality – unbiased decision-makers and transparency of process; 3) respectful treatment – individuals are treated with dignity; 4) trustworthy authorities – the view that the authority is benevolent, caring, and genuinely trying to help.<sup>14</sup>

Several studies and program evaluations examining legal representation in child welfare proceedings have identified competent legal representation as a key element in enhancing party perceptions of procedural justice. A small [study](#) in Mississippi compared the outcomes of child abuse and neglect cases for parents who did and did not have legal representation in two Mississippi counties.<sup>15</sup> Parents who were represented by an attorney believed that they had a greater voice in determining case outcomes, and they understood the court process better than parents without attorneys. In addition, preliminary findings indicate a trend toward more positive

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<sup>12</sup> 25 CFR 23.111.

<sup>13</sup> See generally Leben, S. & Burke, K. (2007-2008) Procedural fairness: A key ingredient in public satisfaction. *Court Review*, 44, 4-17; Tyler, T. & Zimerman, N. (2010) Between Access to Counsel and Access to Justice: A Psychological Perspective. *Fordham Urban Law Journal*, 37, 473-507; Tyler, T. (2007-2008) Procedural justice and the courts. *Court Review*, 44, 26-31; Tyler, T. (1990). *Why People Obey the Law: Procedural Justice, Legitimacy, and Compliance*. New Haven: Yale University Press.

<sup>14</sup> Tyler, T. & Zimerman, N. (2010) Between Access to Counsel and Access to Justice: A Psychological Perspective. *Fordham Urban Law Journal*, 37, 473-507.

<sup>15</sup> Exploring Outcomes Related to Legal Representation for Parents Involved in Mississippi's Juvenile Dependency System, Preliminary Findings, National Council of Juvenile and Family Court Judges (2013) available at: <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=266785>

outcomes in cases where parents were represented by an attorney: they attended court more often, stipulated to fewer allegations, and had their children placed in foster care less often.

The importance of procedural justice has also been recognized by the Conference of Chief Justices and the Conference of State Court Administrators. In 2013, the Conferences jointly adopted a resolution to support and encourage state supreme court leadership to promote procedural fairness, identifying procedural justice as critical for courts to promote citizen's experience of a fair process.<sup>16</sup>

#### **IV. Early Appointment of Counsel, Improved Case Planning, Expedited Permanency and Cost Savings**

There is a growing body of empirical research linking early appointment of counsel (at or prior to a party's initial appearance in court) and effective legal representation in child welfare proceedings to improved case planning, expedited permanency and cost savings to state government.<sup>17</sup> Early appointment of counsel allows attorneys for parents and children to be involved from the very beginning of a case. Attorneys can contest removals, identify fit and willing relatives to serve as respite care providers, advocate for safety plans and identify resources, all of which may help prevent unnecessary removal and placement. Where removal is necessary attorneys for parents and children can be actively involved in case planning, helping to craft solutions that address their client's needs and concerns and expediting reunification or other permanency goals.

The [Quality Improvement Center on the Representation of Children in the Child Welfare System](#) (hereinafter, QIC-ChildRep), a randomized control trial funded by the CB, provided strong evidence that the early appointment of a well-trained attorney for children and youth expedites permanency.<sup>18</sup> Children represented by attorneys trained and practicing under the QIC-ChildRep model in Washington State were 40 percent more likely to experience permanency within the first six months of placement than children represented by non QIC-ChildRep attorneys.<sup>19</sup>

A number of smaller, less rigorous studies lend further support to links between early legal representation and expedited permanency. A pilot study in Texas aimed at earlier appointment of attorneys for parents found that cases where attorneys were appointed within ten days of petition filing had more permanent outcomes (e.g., reunification) than cases in which attorneys were appointed later.<sup>20</sup> A study examining foster care data from multiple jurisdictions found that the

<sup>16</sup> Conference of Chief Justices and Conference of State Court Administrators (2013) Resolution 12: In Support of State Supreme Court Leadership to Promote Procedural Fairness. (<http://ccj.ncsc.org/~media/microsites/files/ccj/resolutions/07312013-support-state-supreme-court-leadership-promote-procedural-fairness-ccj-cosca.ashx>).

<sup>17</sup> See Thornton & Gwin (Spring 2012) *High-Quality Legal Representation for Parents in Child Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, 46 Fam Law Quarterly 139.

<sup>18</sup> See Duquette et. al., (2016) *Children's Justice: How to Improve Legal Representation of Children in the Child Welfare System*, ABA Publications; see also QIC findings: Robbin Pott (2016), *The Flint MDT Study*, in CHILDREN'S JUSTICE.

<sup>19</sup> Olebeke, Zhou, Skles & Zinn, (2016) Evaluation of the QIC-ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System, Chapin Hall. Available at: <http://www.chapinhall.org/qicreport>

<sup>20</sup> Wood, S. M., Summers, A., & Duarte, C.S. (2016). Legal Representation in the Juvenile Dependency System: Travis County, Texas' Parent Representation Pilot Project. *Family Court Review*, 54, 277-287.

presence of the mother's attorney at the preliminary protective hearing (emergency removal hearing) predicted a higher likelihood of reunification.<sup>21</sup>

There is also evidence that legal representation helps ensure more thoughtful and effective case planning. A study conducted in Palm Beach Florida found that children's attorneys practicing in compliance with the practice model resulted in more personally tailored and specific case plans and services, as well as expedited permanency.<sup>22</sup>

Both parents' attorneys and children's attorneys can be helpful in addressing collateral legal issues that may leave families vulnerable, such as housing, employment, immigration, domestic violence, healthcare and public benefits issues -- one or any combination of which may contribute to bringing families into contact with the child welfare system. Such efforts may help prevent children from entering foster care or help children return home sooner.

High quality agency representation brings a number of clear benefits to a jurisdiction's child welfare system. Consistent statewide quality legal representation helps individual caseworker practice and overall statewide performance. More consistent advice and consultation with counsel helps ensure child welfare agencies policies and procedures are followed consistently across the state and that all federal child welfare requirements are met. Agency effort has a direct result on judicial decisions, which in turn directly affects federal monitoring and continuous quality improvement efforts such as the title IV-E foster care eligibility reviews and Child and Family Services Reviews (CFSR).

Agency representation provides legal guidance to child welfare agencies that helps caseworkers meet legal standards governing caseworker visits, evidentiary burdens, compliance with court orders, and existing law. Consistent and adequate representation is likely to reduce the number of court hearings required and make court hearings more focused and efficient. Consistent agency representation also helps child welfare agencies avoid over-intervention while still protecting those children at risk.

The most rigorous research effort examining agency representation to date found that agency attorneys who represented the agency as a client (the agency representation model) and received specialized training achieved permanent placement decisions for children on average 250 days more quickly than attorneys external to the agency (also known as the prosecutorial model) representing the state<sup>23</sup>. Data also indicated significant state savings because of the reduction in time children spent in temporary foster care placements.

## **V. Standards of Practice, Specialization, and Quality Assurance**

Leading national organizations have long emphasized that the gravity of the interests at stake in child welfare cases require well-trained legal representation for all parties at all stages of child

<sup>21</sup> Wood., S.M., & Russell, J.R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 730-1741.

<sup>22</sup> See Zinn, A. & Slowriver, J. (2008), *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County*. Chapin Hall Center for Children at the University of Chicago *available at* <https://www.chapinhall.org/research/report/expediting-permanency>

<sup>23</sup> See Herring, D. (1993). Legal Representation for the State Child Welfare Agency in Civil child Protection Proceedings: A Comparative Study. *Tol L. Rev.* 603

welfare proceedings. Most notably, the ABA has passed [national standards](#) of practice for parent attorneys, attorneys for children and youth, and counsel for public child welfare agencies in child welfare proceedings.<sup>24</sup> The standards have been widely supported, adopted by many state bar associations and written into court rules and legislation across the country. Under the standards, attorneys practicing child welfare law are required to have a minimum number of child welfare law training hours and provide practice guidance to ensure attorneys represent their clients ethically. CB strongly encourages all states to adopt standards of practice for parents, children and youth, and the child welfare agency to help ensure all parties receive high quality legal representation.

CB has invested in the ABA accredited [Child Welfare Legal Specialist \(CWLS\) Certification](#) program administered by the National Association of Counsel for Children (NACC), which has resulted in over 600 attorneys and judges around the country obtaining CWLS certification.<sup>25</sup> Certification requires attorneys to complete a self-directed course of study, submit work product, and take a test to demonstrate knowledge of applicable child welfare law and practice. CB strongly encourages all attorneys and judges practicing child welfare law to obtain CWLS certification. CB also strongly encourages all Court Improvement Programs, courts, and bar associations to work together to support attorneys and judges that practice child welfare law to obtain CWLS certification.

The QIC-ChildRep provided empirical evidence that specialized child welfare law training and coaching can positively impact attorney behavior and result in more effective representation of children. QIC-ChildRep lawyers changed their behavior to conform to the practice model, resulting in greater contact with clients, increased communications with other important collateral contacts and were more actively involved in conflict resolution and negotiation activities.

Related research has determined that training can impact judges' behavior on the bench. This may hold true for attorney practice as well. A recent [study](#) completed by the National Council of Juvenile and Family Court Judges (NCJFCJ) lends further support to the importance of training legal professionals.<sup>26</sup> The study, which looked at the effect that judicial participation in NCJFCJ's Child Abuse and Neglect Institute had on judicial practice in court hearing revealed that, post-training, judges were more likely to use specific strategies to engage parents in the court process. Judges also asked more questions after the training and were more likely to discuss child well-being and services that would allow the child to return home. This indicates the training was effective in increasing engagement of parents in the process and improving the overall quality of dependency hearings.

## **VI. Caseload, Ethics, and Quality Legal Representation**

The larger the caseload, the less a lawyer can do for any individual client. The NACC recommends a standard of 100 active clients for a full-time attorney.<sup>27</sup> The NACC based this

<sup>24</sup>Available at: [http://www.americanbar.org/groups/child\\_law/tools\\_to\\_use.html](http://www.americanbar.org/groups/child_law/tools_to_use.html)

<sup>25</sup> Available at: <http://www.naccchildlaw.org/?page=certification>

<sup>26</sup> Child Abuse and Neglect Institute Evaluation: Training Impact on Hearing Practice (2016) available at: <http://www.ncjfcj.org/CANI-Report-2016>

<sup>27</sup> National Association of Counsel for Children, *Child Welfare Law Guidebook*, 2006, at 54.

recommendation on a rough calculation that the average attorney has 2000 hours available per year and that the average child client would require about 20 hours of attention in the course of a year.<sup>28</sup> In the federal class action lawsuit filed against the state of Georgia, *Kenny A. v. Deal*, one of the allegations was that overly large caseloads for children's attorneys violated children's constitutional rights to competent legal counsel. The court heard expert testimony from NACC regarding caseload size. Evidence gained through the testimony became a key consideration in the court's finding that foster children have a right to an effective lawyer who is not burdened by excessive caseloads in dependency cases.

Other research and guidelines recommend smaller caseloads. In the QIC-ChildRep study, the adjusted caseload of the sample was 60 cases. That is, even when child representation occupied only a portion of a lawyer's practice, when the number of cases is adjusted for the percentage of effort required for child representation, the typical caseload was approximately 60 cases.

Data gained from the QIC-ChildRep shows benefits to smaller caseloads.<sup>29</sup> The QIC-ChildRep asked attorneys to do much more than appear in court, the theory being the more an attorney knows about the facts of the case and the competencies and challenges of his or her client the better he or she will be able to represent that client and that proper representation requires considerable work and advocacy outside of the courtroom. For child clients, where it is critical to observe the child in school and in placement settings and regularly communicate with collateral contacts such as teachers, foster parents and service providers, this could require several hours of effort a month per client. It is also the child's attorney's duty to independently verify the facts of the case.

A 2008 caseload study by the Judicial Council of California recommended a caseload of 77 clients per full-time dependency attorney to achieve an optimal best practice standard of performance.<sup>30</sup> The Massachusetts Committee for Public Counsel Services, which provides counsel for children and parents in dependency cases, enforces a caseload of 75 open cases.<sup>31</sup> In a very detailed systematic study, a Pennsylvania workgroup carefully broke down the tasks and expected time required throughout the life of a case and matched that to attorney hours available in a year. They concluded that caseloads for children's lawyers should be set at 65 per full time lawyer.<sup>32</sup>

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<sup>28</sup> NACC, Pitchal, Freundlich, and Kendrick, *Evaluation of the Guardian ad Litem System in Nebraska*, (December 2009) at 42-43, available at

[http://c.ymcdn.com/sites/www.naccchildlaw.org/resource/resmgr/nebraska/final\\_nebraska\\_gal\\_report\\_12.pdf](http://c.ymcdn.com/sites/www.naccchildlaw.org/resource/resmgr/nebraska/final_nebraska_gal_report_12.pdf)

<sup>29</sup> The QIC-Child Rep found a one-standard-deviation increase (20 cases) in the size of dependency caseload is associated with a 22 percent decrease in the monthly rate of investigation and document review and a 9 percent decrease in the monthly rate of legal case preparation activities.

<sup>30</sup> CA Dependency Counsel Caseload Standards A Report To The California Legislature April 2008 by the Judicial Council of California Administrative Office of the Courts Center for Families, Children & the Courts, available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm>

<sup>31</sup> Massachusetts Policies and Procedures.

[https://www.publiccounsel.net/private\\_counsel\\_manual/CURRENT\\_MANUAL\\_2010/MANUALChap5links3.pdf](https://www.publiccounsel.net/private_counsel_manual/CURRENT_MANUAL_2010/MANUALChap5links3.pdf)

<sup>32</sup> 2014 Pennsylvania State Roundtable Report: Moving Children to Timely Permanency, available at <http://www.ocfcpacourts.us/childrens-roundtable-initiative/state-roundtable-workgroupscommittees/legal-representation/state-roundtable-reports>



Given the rights at stake for parents in dependency cases it is vital for parent attorneys to have reasonable caseloads. Ethical representation of parents in dependency proceedings requires considerable time and attention out of court. Legal scholars, practitioners and parents that have been involved with the system agree that it is the work done out of court that makes the biggest impact in dependency cases. Building trusting attorney-client relationships, being a counselor at law that helps a parent understand the system, working together to identify acceptable respite or substitute care options, developing safety plans, attending agency planning meetings, and identifying appropriate services all require a tremendous amount of time.

The higher the caseload, the less time an attorney will have to represent her client. Excessive caseloads make it harder for all attorneys to meet with clients, learn the facts of each particular case and prepare for court. This may result in increased frequency of scheduling conflicts, higher numbers of requests for continuances, undue delays in case resolution, and poor representation for all parties. The costs associated with each consequence are high for families and jurisdictions alike.

## **VII. Models of Delivering Legal Representation for Child Welfare Proceedings**

There are three predominant models of delivering legal representation for children and parents: centralized state or county government offices; independent offices that specialize in child welfare law; and private practitioners that are either appointed by judges or assigned to cases as members of a pool of attorneys who handle child welfare cases in a jurisdiction. The vast majority of attorneys representing children and parents fall into the last group, private practitioners. For this group of attorneys, child welfare law often accounts for only a portion of their practice.

Some government and private specialty law offices utilize a multi-disciplinary team approach, which pairs or provides attorneys with access to independent social workers and/or includes a peer parent advocate. Evaluations of models that employ these types of teams are yielding very positive results. Regardless of the type of attorney or model of representation -- standards of practice, reasonable caseloads, ongoing training, connections to support (such as social workers, peer parent advocates or investigators) and effective oversight are important factors in ensuring high quality legal representation. See Appendix A for descriptions of exemplary models of delivering parent and child representation.

### *Parent Representation*

The ABA Standards of Representation for Parents in Child Welfare Proceedings provide clear guidance that is applicable to all models of delivering parent representation. The standards emphasize the need for parent attorneys to be both counselors at law and zealous legal advocates. The counselor at law role requires an attorney to take the time to learn and understand their client's life circumstances, including their strengths and needs and the resources he or she has available. Such information is identified as critical to helping best represent the client.

The standards further articulate that helping clients understand when and how it is most important to cooperate with the child welfare agency is also crucial. Under the standards,

traditional, zealous legal representation is necessary, but insufficient to achieve the best outcomes for parents and families. Rather, the complexities of child welfare proceedings require the parent attorney to simultaneously assume multiple roles including: advisor, teacher and advocate. It is through this combination of roles that comprehensive representation and the best possible outcome are achieved.

CB strongly encourages all jurisdictions to provide legal representation to all parents in all stages of child welfare proceedings. CB further encourages all jurisdictions to consider providing such representation as part of a multi-disciplinary team.

### *Child Representation*

Regardless of the model of child representation, the QIC-ChildRep approach is a useful tool for states and individual practitioners to consider. The approach is based on an enhanced version of the ABA Standards of Legal Representation for Children and aligns very closely with procedural justice research. The model calls for proactive lawyering, advocacy and problem-solving.

The model encourages attorneys to utilize six [core skills](#): (1) enter the child's world; (2) assess child safety; (3) actively evaluate needs; (4) advance case planning; (5) develop a theory of the case; and (6) advocate effectively.<sup>33</sup> Taken together, the core skills empower attorneys to have a well-informed understanding of the particular strengths, needs, and resources of the child's family, and an understanding of the child's wishes (where they are able to be expressed). It is this vital individual child and family information that allows the attorney to take an active role in representing the child in case planning and to effectively advocate on his or her behalf.

While the QIC-ChildRep was developed specifically for child representation and the study looked exclusively at child representation, with minor modification the six core skills may be equally valuable for parent representation.

CB strongly encourages all jurisdictions to provide legal representation to all children and youth at all stages of child welfare proceedings. CB further encourages all jurisdictions to consider providing such representation as part of a multi-disciplinary team.

### *Child Welfare Agency Representation*

Many states do not currently provide adequate representation to the state's child welfare agencies or their contract agencies. The agency may be represented differently from county to county, or not directly at all. Consequently, the agency is often deprived of the benefits of having legal guidance in the investigation and disposition of their cases. Absent effective legal counsel, caseworkers lack the knowledge to be effective in court and may unwittingly fall into unlawful practice of law.

There are two basic models of representation for state and county government in child welfare proceedings: the agency representation model and the prosecutorial model. As the names

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<sup>33</sup>QIC ChildRep Model and Core Skills *available at*:  
<http://www.improvechildrep.org/DemonstrationProjects/BestPracticeModelSixCoreSkills.aspx>



suggest, the agency representation model provides for an attorney or office of attorneys that represents the public child welfare agency. Under this model, the attorney(s) provide legal counsel and advice to the child welfare agency leadership. This includes counsel on specific cases, overall legal approaches to the work, and policy. The agency attorney also represents the child welfare agency in court. Agency attorneys prepare all legal documents, filings and petitions for the agency and work closely with agency caseworkers to prepare them for court. Agency attorneys also play a critical role in holding case workers accountable. It is important to note, however, that the agency attorney does not represent the caseworker individually.

Under the prosecutorial model, the attorney represents the people or the state, much as a district or county prosecutor would in a criminal case. The prosecutorial model treats the agency as the complaining witness, as opposed to a client. Often attorneys operating under the prosecutorial model are employed by the state or county district attorney's office. Some attorneys practicing under this model may also practice criminal law; other offices exist as a separate unit within the prosecutor's office and handle exclusively child welfare cases. Under this model, the public child welfare agency does not have direct legal representation. This approach is not favored today.<sup>34</sup>

The agency representation model finds strong support in the ABA standards, existing research and efforts to protect against the unlawful practice of law. States will find a helpful resource in the ABA Standards of Practice for Lawyers Representing Child Welfare Agencies.

A 2016 study of dependency representation in Oregon identified inconsistent state and agency representation, a lack of uniform practice, and complicated financial models as challenges to timely and effective case planning and case management, stating that “obstacles to adequate and effective representation for all parties stand in the way of better outcomes for Oregon’s children and families.”<sup>35</sup>

Furthermore, the Oregon report found that a model of government representation that provides full representation for the agency in all hearings and out-of-court activities will ultimately eliminate the risk of unlawful practice of law by child welfare employees in the courtroom, and increase outcomes for children and families in Oregon. This recommendation would eliminate “the state” as a party to dependency cases and ensure the child welfare agency is fully represented and has access to consultation with counsel.

CB strongly encourages all jurisdictions to implement the agency representation model to ensure consistent legal representation that supports child welfare agencies to meet all federal requirements.

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<sup>34</sup> See Silverthorn, B. (2016) *Agency Representation in Child Welfare Proceedings*, Child Welfare Law and Practice: Representing Children, Parents and State Agencies in Abuse, Neglect, and Dependency Cases. Bradford

<sup>35</sup> See Oregon Task Force on Dependency Representation Report, July, 2016, *available at* [http://courts.oregon.gov/OJD/docs/OSCA/JFCPD/Juvenile/EYES-2016/Dependency%20Representation%20Task%20Force%20Report%20\(full\).pdf](http://courts.oregon.gov/OJD/docs/OSCA/JFCPD/Juvenile/EYES-2016/Dependency%20Representation%20Task%20Force%20Report%20(full).pdf)

## VIII. Best Practice Considerations

There are a number of strategies that a jurisdiction can employ to ensure high quality legal representation for all parties in child welfare proceedings. Each of the below can be adjusted in scale and approach to meet the unique characteristics and resources available in all jurisdictions. There are also a number of best practices that attorney offices or independent attorneys practicing child welfare law can adopt to provide high quality legal representation. Both structural and attorney best practices are included below.

### *Structural Best Practices to Ensure High Quality Legal Representation*

- Adopt, implement, and monitor statewide standards of practice for parents' attorneys, children's attorneys and agency attorneys.
- Implement binding authority or constitutional protection requiring parents, children and youth to be appointed legal counsel at or before the initial court appearance in all cases.
- Develop a formal oversight system for parents' attorneys and children's attorneys to ensure quality assurance. This can be achieved through the creation of an office, the addition of a division to an existing office such as the public defender's office, as a duty for the presiding family court judge, through the work of a committee or by any other means that are used to ensure accountability and continuous quality improvement. In determining the assignment of oversight responsibilities, it is important to address any conflict of interest issues.
- Require mandatory initial child welfare training for parents' attorneys, children's attorneys and agency attorneys. Where resources do not exist for in-person training or geographical challenges make attendance difficult, states are encouraged to explore distance learning and online training experiences.
- Institute mandatory annual training requirements for parents' attorneys, children's attorneys and agency attorneys. Child welfare law and regulations and court rules change regularly at the state and federal level. It is important to have an effective way to keep all attorneys up-to-date. Annual update or "booster shot" trainings are one effective way to ensure all practitioners are kept current in law and practice.
- Support adequate payment and benefits to "professionalize" this type of law practice, and move from a contract system with competing priorities to an employment system like other indigent and state agency representation.
- Support a payment system for parent and child representation that is designed to promote high quality, ethical legal representation and discourages overly large caseloads.

### *Attorney Best Practices to Provide High Quality Legal Representation*

- Communicate regularly with clients (at least monthly and after all significant developments or case changes) and in-person when possible.
- Ensure that language translation services and other accommodations to ensure equal access and full participation in all processes are available to all clients at all stages of child welfare proceedings.
- Thoroughly prepare for and attend all court hearings and reviews.

- Thoroughly prepare clients for court, explain the hearing process and debrief after hearing are complete to make sure clients understand the results. For children this must be done in a developmentally appropriate way.
- Regularly communicate with collateral contacts (i.e., treatment providers, teachers, social workers).
- Meet with clients outside of court (this provides attorneys an opportunity to observe clients in multiple environments and independently verify important facts).
- Conduct rigorous and complete discovery on every case.
- Independently verify facts contained in allegations and reports.
- Have meaningful and ongoing conversation with all clients about their strengths, needs, and wishes.
- Regularly ask all clients what would be most helpful for his or her case, what is working, and whether there is any service or arrangement that is not helpful, and why.
- Work with every client to identify helpful relatives for support, safety planning and possible placement.
- Attend and participate in case planning, family group decision-making and other meetings a client may have with the child welfare agency.
- Work with clients individually to develop safety plan and case plan options to present to the court.
- File motions and appeals when necessary to protect each client's rights and advocate for his or her needs.

## **IX. Conclusion**

The child welfare system is intended to keep families safe, together and strong, and where that is not possible to find the next best option for children and youth. To realize this potential it is critical that children and families experience the system as transparent and fair, one in which rights are protected and options are known, co-created and understood. Providing high quality legal representation to all parties at all stages of dependency proceedings is crucial to realizing these basic tenets of fairness and due process under the law. Moreover, research shows that legal representation for all parties in child welfare proceedings is clearly linked to increased party engagement, improved case planning, expedited permanency and cost savings to state government. CB strongly encourages all jurisdictions to work together to ensure all parties receive high quality legal representation at all stages of dependency proceedings.

**Inquiries:** CB Regional Program Managers

/ s /

Rafael López  
Commissioner  
Administration on Children, Youth & Families

**Attachments:**

A - Models of Delivering Parent Representation

B - CB Regional Office Program Managers

**RESOURCES**

ABA Standards of Representation for Parents, Children, and Child Welfare Agencies

[http://www.americanbar.org/groups/child\\_law/tools\\_to\\_use.html](http://www.americanbar.org/groups/child_law/tools_to_use.html)

NACC Child Welfare Legal Specialist Certification (CWLS)

<http://www.naccchildlaw.org/?page=certification>

Quality Improvement Center for the Representation of Children in the Child Welfare System.  
(QIC-ChildRep) Practice Model

<http://www.improvechildrep.org/DemonstrationProjects/QICChildRepBestPracticeModel.aspx>

NCJFCJ Enhanced Resource Guidelines

<http://www.ncjfcj.org/ncjfcj-releases-enhanced-resource-guidelines>

Child Welfare Capacity Building Center for Courts

<https://capacity.childwelfare.gov/courts/>



**ATTORNEY REQUEST TO ASSIGN SOCIAL WORKER**

**Referral Date:** \_\_\_\_\_ **Referring Attorney:** \_\_\_\_\_

**Date Work to be Completed:** \_\_\_\_\_ **Department:**      67      68      69      107

**Name of Client:** \_\_\_\_\_

**Is Client’s income 125% or less of the current federal poverty threshold?**      YES      NO

**Is client a member of the following underserved client groups? (check all that apply)**

☐ Juvenile/Minor      ☐ Victim of Intimate Partner Violence      ☐ Monolingual Non-English Speaking

<b>Client’s Child(ren): (if applicable)</b>	<b>Name</b>	<b>DOB</b>	<b>JD Number</b>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**Client Contact Information (provide address, email and/or phone number):**

\_\_\_\_\_

**Action requested (i.e., talk to client about case plan progress, provide referrals for services, support client at CFT, assess visitation). Please note if an interpreter or other accommodation is required.**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Conflicts check completed:** Y / N   **Date:** \_\_\_\_\_   **Initials:** \_\_\_\_\_

**CONFIDENTIAL**

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILDREN'S NAMES:	
<b>FINANCIAL DECLARATION—JUVENILE DEPENDENCY</b>	CASE NUMBER:

**1. Personal Information:**

Name:		Social Security Number:	
Other names used:			
I.D. or Driver's License Number:		Date of Birth:	Age:
Relationship to Child: <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Other Responsible Person (specify):			
Street or Mailing Address:			
City:	State:	Zip:	Phone: Alternate Phone:
Marital Status: <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Domestic partner <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			
Name of Spouse/Partner:		Number of dependents living with you:	
Names and ages of dependents:			

2. I receive (check all that apply): ☐ Medi-Cal ☐ SNAP (food stamps) ☐ SSI ☐ SSP  
☐ County Relief/General Assistance ☐ CalWORKS or Tribal TANF (Temporary Assistance to Needy Families)  
☐ IHSS (In-Home Supportive Services) ☐ CAPI (Case Assistance Program for Aged, Blind, and Disabled)

3. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below:

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$460.42 for each extra person.
1	\$1,301.05	3	\$2,221.88	5	\$3,142.71	
2	\$1,761.46	4	\$2,682.30	6	\$3,603.13	

4. ☐ I have been reunified with my child(ren) under a court order (attached).

5. ☐ I am receiving court-ordered reunification services.

**CONFIDENTIAL****JV-132**

CHILDREN'S NAMES:	CASE NUMBER:
RESPONSIBLE PERSON'S NAME:	

**6. Employment:**

Your Employment				Your Spouse/Partner's Employment			
Employer:				Employer:			
Address:				Address:			
City and Zip Code:		Phone:		City and Zip Code:		Phone:	
Type of Job:				Type of Job:			
How long employed:	Working now?	Monthly salary:	Take home pay:	How long employed:	Working now?	Monthly salary:	Take home pay:
If not now employed, who was your last employer? (Name, Address, City, and Zip Code):				If not now employed, who was this person's last employer? (Name, Address, City, and Zip Code):			
Phone number of last employer:				Phone number of last employer:			

**7. Other Monthly Income and Assets:**

Other Income	Assets: What Do You Own?
Unemployment .....\$	Cash ..... \$
Disability ..... \$	Real Property/Equity ..... \$
Social Security ..... \$	Cars and Other Vehicles ..... \$
Workers' Compensation ..... \$	Life Insurance ..... \$
Child Support Payments ..... \$	Bank Accounts ( <i>list below</i> )..... \$
Foster Care Payments .....\$	Stocks and Bonds ..... \$
Other Income ..... \$	Business Interest ..... \$
Total \$	Other Assets ..... \$
	Total \$
	Name and branch of bank:
	Account numbers:

**CONFIDENTIAL**

CHILDREN'S NAMES:	CASE NUMBER:
RESPONSIBLE PERSON'S NAME:	

**8. Expenses:**

Monthly Household Expenses	Reunification Plan: Monthly Cost of Required Services
Rent or Mortgage Payment ..... \$	Parenting Classes ..... \$
Car Payment ..... \$	Substance Abuse Treatment ..... \$
Gas and Car Insurance ..... \$	Therapy/Counseling ..... \$
Public Transportation ..... \$	Medical Care/Medications ..... \$
Utilities (Gas, Electric, Phone, Water, etc.).... \$	Domestic Violence Counseling ..... \$
Food ..... \$	Batterers' Intervention ..... \$
Clothing and Laundry ..... \$	Victim Support ..... \$
Child Care ..... \$	Regional Center Programs ..... \$
Child Support Payments ..... \$	Transportation ..... \$
Medical Payments ..... \$	In-Home Services ..... \$
Other Necessary Monthly Expenses .....	Other ..... \$
Total \$	Total \$

**9. Loan/Expense Payments (other than mortgage or car loan):**

Name of lender and type of loan/expense	Monthly payment	Balance owed
	\$	\$
	\$	\$
	\$	\$
	\$	\$

I declare under penalty of perjury under the laws of the State of California that the above information is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

**FOR FINANCIAL EVALUATION OFFICER USE ONLY**

TOTAL INCOME	\$	COST OF LEGAL SERVICES	\$
TOTAL EXPENSES	\$	MONTHLY PAYMENT	\$
NET DISPOSABLE INCOME	\$	TOTAL COST ASSESSED	\$

The above-named responsible person is presumed unable to pay reimbursement for the cost of legal services in this proceeding and is eligible for a waiver of liability because

- ☐ he or she receives qualifying public benefits
- ☐ his or her household income falls below 125% of the current federal poverty guidelines
- ☐ he or she has been reunified with the child(ren) under a court order and payment of reimbursement would harm his or her ability to support the child(ren).

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF FINANCIAL EVALUATION OFFICER)



## County Summary 2020 for Dependency Advocacy Center

### IOLTA

County	Basic Allocation	Pro Bono Allocation	Total Allocation
Santa Clara	\$192,420	\$0	\$192,420
			\$192,420

### EAF

County	Basic Allocation	Pro Bono Allocation	Total Allocation
Santa Clara	\$81,430	\$0	\$81,430
			\$81,430

### Qualified Expenditures

#### Santa Clara

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$2,834,487	\$0	\$0	\$2,834,487

#### County Totals

County Expenditures (Fiscal year)	IOLTA Expenditures (Previous calendar year)	EAF Expenditures (Previous calendar year)	Qualified Expenditures
2834487	0	0	2834487

**Budget Summary****Project title:** 2948-IOLTA LSP-2020-Eviction Defense Collaborative-247**Budget Year:** 2020**Organization:** Eviction Defense Collaborative**General****Late Submission:****FORM A -IOLTA Budget Description****1. IOLTA grant allocation:** \$54,160**2. How will the grant be utilized to provide free civil legal services to indigent persons in California [Business & Professions Code §6218(a)]?**

This grant will allow us to continue offering free legal assistance to individuals age sixty and over, disabled individuals age 18 through 59, and extremely low income tenants who reside in San Francisco. It will cover a portion of the salary of our Social Worker, who is an integral part of the Right to Counsel Litigation Team. Currently, each case is assigned to a paralegal and an attorney. When our clients are age sixty and over, disabled individuals age 18 through 59, and/or extremely low income (i.e. at or below 125% of federal poverty level), a Social Worker joins the litigation team to ensure our attorneys are able to provide free civil legal services to as many indigent persons as possible. (Additional funding for this position is provided by San Francisco Mayor's Office of Housing and Community Development.) The percentage of the funding requested aligns with the percentage of IOLTA qualifying clients (i.e. at or below 125% federal poverty level, 60 or above and/or with a developmental disability) assisted by the Social Worker and IOLTA/EAF funds will only be used for clients found eligible by B&P 6213(d).

The funding will also cover a portion of the salary of our Executive Director, who is instrumental in supporting general operations. The percentage of the funding requested is less than the overall percentage of IOLTA qualifying clients (i.e. at or below 125% federal poverty level, 60 or above and/or with a developmental disability) who receive free legal services from Eviction Defense Collaborative and IOLTA/EAF funds will only be used for clients found eligible by B&P 6213(d).

**a. What results or outcomes do you anticipate from the specified use of grant funds?**

We anticipate that litigation clients who are paired with our Social Worker will have a greater likelihood of staying in their homes and/or avoiding homelessness. Furthermore, adding a Social Worker to the Litigation Team will enable EDC to provide full scope legal services in approximately 350 eviction matters in San Francisco.

**b. How does the IOLTA grant fit into the overall budget of the organization? For example, are the funds allocated evenly across all qualified expenditures for both personnel and non-personnel expenses, are they designated for specific positions or projects, are they used to leverage a match for other grants, etc.?**

Funds are exclusively devoted to personnel costs associated with the Social Worker and the Executive Director positions, including salary and mandatory fringe benefits.

**Staffing Classification**

Positions	FTEs	Description of Work
Attorneys	0.00	
Paralegals	0.00	
Other	0.68	<p>The Social Worker is an integral part of the Right to Counsel Program that works with Right to Counsel attorneys on case management of their respective client's social services needs. The Social Worker and also works in collaboration with other EDC staff (including our RADCo staff) to ensure our litigation clients are accessing all of EDC's available resources. EDC's litigation clients most at risk of homelessness (elderly, disabled, extremely low income) are paired with our Social Worker. The Social Worker's duties include:</p> <p>(1) Meeting clients in various settings, such as home, shelters, public benefits offices, and court.</p> <p>(2) Supporting clients in identifying their needs, setting goals, and developing structure plan for achieving those goals through appropriate evidence-based clinical practices.</p> <p>(3) Providing crisis intervention and crisis counseling.</p> <p>(4) Developing emergency safety plans and long term plans as a team with the client and attorney.</p> <p>(5) Helping clients connect to housing support services, physical and mental health services, and substance abuse treatment as needed.</p> <p>(6) Supporting clients' applications to various benefits programs and at hearings, appointments, and meditation sessions.</p>
Executive Director	0.03	The Executive Director reports to the EDC Board of Directors, oversees organization management, external relations and fundraising, and ensuring the EDC's financial sustainability.
	0.00	
<b>Total</b>	<b>0.71</b>	

### FORM B -EAF Budget Description

1. EAF grant allocation: \$22,920

2. Describe the activity, or set of activities, you propose to fund with the EAF grant. If you propose more than one set of activities, please number and describe each of them separately.

This grant will allow us to continue offering free legal assistance to individuals age sixty and over, disabled individuals age 18 through 59, and extremely low income tenants who reside in San Francisco. It will cover a portion of the salary of our Social Worker, who is an integral part of the Right to Counsel Litigation Team. Currently, each case is assigned to a paralegal and an attorney. When our clients are age sixty and over, disabled individuals age 18 through 59, and/or extremely low income (i.e. at or below 125% of federal poverty level), a Social Worker joins the litigation team to ensure our attorneys are able to provide free civil legal services to as many indigent persons as possible. (Additional funding for this position is provided by San Francisco Mayor's Office of Housing and Community Development.) The percentage of the funding requested aligns with the percentage of IOLTA qualifying clients (i.e. at or below 125% federal poverty level, 60 or above and/or with a developmental disability)

assisted by the Social Worker and IOLTA/EAF funds will only be used for clients found eligible by B&P 6213(d).

The Social Worker's duties include:

- (1) Meeting clients in various settings, such as home, shelters, public benefits offices, and court.
- (2) Supporting clients in identifying their needs, setting goals, and developing structure plan for achieving those goals through appropriate evidence-based clinical practices.
- (3) Providing crisis intervention and crisis counseling.
- (4) Developing emergency safety plans and long term plans as a team with the client and attorney.
- (5) Helping clients connect to housing support services, physical and mental health services, and substance abuse treatment as needed.
- (6) Supporting clients' applications to various benefits programs and at hearings, appointments, and meditation sessions.

**a. What results or outcomes do you anticipate from the specified use(s) of grant funds, and how will you evaluate progress towards achieving identified results or outcomes?**

We anticipate that litigation clients who are paired with our Social Worker will have a greater likelihood of staying in their homes and/or avoiding homelessness. Furthermore, adding a Social Worker to the Litigation Team will enable EDC to provide full scope legal services in approximately 350 eviction matters in San Francisco.

**b. For each activity, or set of activities, describe generally the categories of staff that will be funded, the services each category of staff will provide or the activities they will undertake, and the particular outcomes and goals associated with those activities.**

Funds are exclusively devoted to personnel costs associated with the Social Worker position, including salary and mandatory fringe benefits.

**c. How does the EAF grant fit into the overall budget of the organization? For example, are the funds designated for specific positions or projects, are they used to leverage a match for other grants, etc.?**

Funds are exclusively devoted to personnel costs associated with the Social Worker position, including salary and mandatory fringe benefits.

Categories	EAF Grant Funds		Other Funds		Totals for Funded Activities
	# of Positions	FTEs	# of Positions	FTEs	FTEs
Attorneys	0	0.00	0	0.00	0.00
Paralegals	0	0.00	0	0.00	0.00
Other	1	0.32	1	0.68	1.00

**1. How will the organization ensure IOLTA and EAF grants are used only to provide free civil legal services to indigent persons in California as defined in the statute and rules?**

All Services are free. We serve the entire tenant population of San Francisco, as well as its sheltered homeless population. Approximately 40% of our legal services clients are disabled and almost a third are over the age of 50. The Social Worker only works with those clients who are disabled, elderly, or extremely low income (i.e. at or below 125% of federal poverty level). Moreover, costs associated with serving non-indigent persons as defined in the statute and rules are covered by general fund money from the City and County of San Francisco. They are also taken into account when we report expenditures as part of the IOLTA application process. The percentage of the funding requested aligns with the percentage of IOLTA qualifying clients (i.e. at or below 125% federal poverty level, 60 or above and/or with a developmental disability) assisted by the Social Worker and IOLTA/EAF funds will only be used for clients found eligible by B&P 6213(d).

**a. How do you screen at intake for income and other eligibility information?**

We collect demographic data including date of birth, disability and income as part of the initial intake protocol. We generally depend on client self-reporting. Intake typically occurs in person. Information collected is recorded in our data base following intake and prior to case acceptance. The percentage of the funding requested aligns with the percentage of IOLTA qualifying clients (i.e. at or below 125% federal poverty level, 60 or above and/or with a developmental disability) assisted by the Social Worker and IOLTA/EAF funds will only be used for clients found eligible by B&P 6213(d).

Furthermore, EDC verifies income by requesting pay stubs, copies of benefit awards or any other reasonably available means. Clients that do not have the ability to verify income are asked to self-declare income and then to bring proof of income if at all possible.

**b. Describe any other relevant practices to ensure funds are spent only for qualified legal services.**

The Social Worker only assists in the legal representation of high-needs clients. The majority of these clients have a mental condition under the DSM V. The remainder are either elderly or extremely low-income. Our non-qualified services are otherwise exclusively funded by the City and County of San Francisco.

**2. Significant efforts must be made to use 20 percent of the IOLTA and EAF grants for increasing the availability of services to members of especially disadvantaged and underserved client groups (Business & Professions code Section 6221). What constituency(ies) will you serve with 20 percent of the grant allocations for IOLTA and EAF?**

All of our clients served through IOLTA and EAF grants are considered "disadvantaged and underserved client groups under Business & Professions code Section 6221 as they either elderly or disabled. Additionally a significant portion of our services are directed towards individuals who are homeless or at imminent risk of becoming homeless. This includes individuals living in shelters, single room occupancy hotels, lacking a telephone and/or those served with a summons in an unlawful detainer proceeding.

**a. Why do you consider this constituency to be of special need?**

San Francisco has the most expensive residential rental market in the country. Over 50% of Bay Area families are considered "rent burdened." Thus, in order to avoid homelessness, displaced households leave the City and their Community. This disproportionately impacts people of color, with 60% of Black, Latino, and Native American households being rent-burdened. These populations account for more than 65% of the 589 households served by RADCo in FY 2018/2019. In sum, RADCo serves San Francisco's most vulnerable community members.

For individuals and families on a fixed income, especially seniors and persons with disabilities, the burden is often even greater, with many tenants paying virtually all of their monthly income in rent. For these rent-burdened tenants, unanticipated family/personal emergencies (a death in the family, a health scare, a robbery) can cause tenants to fall behind on the rent. Once a tenant falls behind on the rent, they are extremely vulnerable to eviction.

**b. What services will the organization provide to this constituency?**

EDC will provide full scope representation to all tenants facing eviction.

**c. How will these services be evaluated?**

We will evaluate the success of our efforts by evaluation the case outcomes and through client evaluations

**d. How will you ensure that at least 20 percent of the IOLTA and EAF grants fund services to this constituency?**

All of our clients served through IOLTA and EAF grants are considered "disadvantaged and underserved client groups under Business & Professions code Section 6221 as they either elderly or disabled.

## FORM D - Organizational Budget

### ORGANIZATIONAL BUDGET

#### Personnel

Account Title	IOLTA	EAF	IOLTA & EAF	Other Monies	Total Budget
1. Lawyers	\$0	\$0	\$0	\$729,000	\$729,000
2. Paralegals	\$0	\$0	\$0	\$693,000	\$693,000
3. Other Staff	\$37,094	\$17,906	\$55,000	\$485,600	\$540,600
SUBTOTAL	\$37,094	\$17,906	\$55,000	\$1,907,600	\$1,962,600
4. Employee Benefits	\$10,386	\$5,014	\$15,400	\$534,128	\$549,528
TOTAL PERSONNEL	\$47,480	\$22,920	\$70,400	\$2,441,728	\$2,512,128

#### Non-Personnel

Account Title	IOLTA	EAF	TOTAL IOLTA & EAF	Other Monies	Total Budget
5. Space	\$0	\$0	\$0	\$367,072	\$367,072
6. Equipment Rental and Maintenance	\$0	\$0	\$0	\$19,192	\$19,192
7. Office Supplies	\$0	\$0	\$0	\$39,054	\$39,054
8. Printing and Postage	\$0	\$0	\$0	\$0	\$0
9. Telecommunications	\$0	\$0	\$0	\$21,490	\$21,490
10. Technology	\$0	\$0	\$0	\$88,070	\$88,070

11. Program Travel	\$0	\$0	\$0	\$9,500	\$9,500
12. Training	\$0	\$0	\$0	\$46,616	\$46,616
13. Library	\$0	\$0	\$0	\$0	\$0
14. Insurance	\$0	\$0	\$0	\$39,285	\$39,285
15. Litigation	\$0	\$0	\$0	\$200,000	\$200,000
16. Capital Additions	\$0	\$0	\$0	\$0	\$0
17. Contract Service to Clients	\$0	\$0	\$0	\$1,590,166	\$1,590,166
18. Evaluation	\$0	\$0	\$0	\$0	\$0
19. Other	\$0	\$0	\$0	\$67,771	\$67,771
<b>TOTAL NON-PERSONNEL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,488,216</b>	<b>\$2,488,216</b>
<b>Administrative</b>					
20. Personnel	\$6,680	\$0	\$6,680	\$601,320	\$608,000
21. Non-Personnel	\$0	\$0	\$0	\$265,086	\$265,086
<b>TOTAL ADMINISTRATIVE</b>	<b>\$6,680</b>	<b>\$0</b>	<b>\$6,680</b>	<b>\$866,406</b>	<b>\$873,086</b>
<b>GRAND TOTAL</b>	<b>\$54,160</b>	<b>\$22,920</b>	<b>\$77,080</b>	<b>\$5,796,350</b>	<b>\$5,873,430</b>

Personnel Total: \$2,512,128

Non-Personnel Total: \$2,488,216

Grand Total: \$5,873,430

#### IOLTA Summary

% Personnel: 100.00%

% Non-Personnel: 0.00%

#### Personnel Allocation

If the proposed budget allocates less than 75 percent to personnel, explain why it deviates from the recommended percentages?

NA

% Program: 87.67%

% Administration: 12.33%

#### Program Allocation

If the proposed budget allocates less than 75 percent to program, explain why it deviates from the recommended percentages.

NA

Percentage of the IOLTA

grant's share of the total  
organizational budget: 0.92%

## EAF Summary

% Personnel: 100.00%

% Non-Personnel: 0.00%

## Personnel Allocation

If the proposed budget allocates less than 75 percent to personnel, explain why it deviates from the recommended percentages?

NA

% Program: 100.00%

% Administration: 0.00%

## Program Allocation

If the proposed budget allocates less than 75 percent to program, explain why it deviates from the recommended percentages.

NA

Percentage of the EAF  
grant's share of the total  
organizational budget: 0.39%

## FORM E - Proposed By County IOLTA/EAF Budget

## Form F- Proposed IOLTA/EAF Budget Narrative

## Proposed Narrative

## Personnel

Account Title	IOLTA	Narrative	EAF	Narrative
1. Lawyers	0		0	
2. Paralegals	0		0	
3. Other Staff	37094	Salary for full time Social Worker	17906	Salary for full time Social Worker
SUBTOTAL	37094		17906	
4. Employee Benefits	10386	Social Worker's fringe benefits: FICA, health insurance, worker's compensation, retirement plan, and unemployment insurance.	5014	Social Worker's fringe benefits: FICA, health insurance, worker's compensation, retirement plan, and unemployment insurance.



TOTAL PERSONNEL	47480	22920
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## Non-Personnel

Account Title	IOLTA	Narrative	EAF	Narrative
5. Space	0		0	
6. Equipment Rental and Maintenance	0		0	
7. Office Supplies	0		0	
8. Printing and Postage	0		0	
9. Telecommunications	0		0	
10. Technology	0		0	
11. Program Travel	0		0	
12. Training	0		0	
13. Library	0		0	
14. Insurance	0		0	
15. Litigation	0		0	
16. Capital Additions	0		0	
17. Contract Service to Clients	0		0	
18. Evaluation	0		0	
19. Other	0		0	
<b>TOTAL NON-PERSONNEL</b>	<b>0</b>		<b>0</b>	
<b>Administrative</b>				
20. Personnel	6680	Salary of \$5,218.75 for the Executive Director and \$1,461.25 benefits for Executive Director. Benefits are comprised of FICA, health insurance, worker's compensation, retirement plan, and unemployment insurance.	0	
21. Non-Personnel	0		0	
<b>TOTAL ADMINISTRATIVE</b>	<b>6680</b>		<b>0</b>	
<b>GRAND TOTAL</b>	<b>54160</b>		<b>22920</b>	

Upload Additional Documents (Optional)

Please upload any supplemental materials or requested documents



## County Summary 2020 for EVICTION DEFENSE COLLABORATIVE

IOLTA			
County	Basic Allocation	Pro Bono Allocation	Total Allocation
San Francisco	\$54,160	\$0	\$54,160
			\$54,160

EAF			
County	Basic Allocation	Pro Bono Allocation	Total Allocation
San Francisco	\$22,920	\$0	\$22,920
			\$22,920

Qualified Expenditures			
San Francisco			
County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$1,544,723	\$0	\$0	\$1,544,723

### County Totals

County Expenditures (Fiscal year)	IOLTA Expenditures (Previous calendar year)	EAF Expenditures (Previous calendar year)	Qualified Expenditures
1544723	0	0	1544723

**Budget Summary****Project title:** 2986-IOLTA LSP-2020-Public Advocates Inc.-83**Budget Year:** 2020**Organization:** Public Advocates Inc.**General****Late Submission:****FORM A -IOLTA Budget Description****1. IOLTA grant allocation:** \$502,010**2. How will the grant be utilized to provide free civil legal services to indigent persons in California [Business & Professions Code §6218(a)]?****A. Education Equity**

We will use half of this grant to support our efforts to increase access to quality education for indigent public school students in California, all of whom are low-income by virtue of their qualifying for free school meals and many of whom also face additional educational barriers as English Learners.

The education-related half of this grant will be used to pursue investigation and compliance activities surrounding the legal sufficiency of the new Local Control and Accountability Plans (LCAPs) each district is now required to adopt. In 2013, with Public Advocates' support and input, California passed landmark legislation enacting a new school funding formula (Local Control Funding Formula or LCFF) and significantly expanding local control of those funds. This new school funding system is the most progressive statewide system in the nation, and we are using its new requirements to increase and improve services for low and very-low income (indigent) students. The new, more equitable funding formula provides all districts a uniform base per pupil grant plus an additional 20% for each student who is either low-income, an English learner, or a foster youth. (Nearly all students in the latter two categories of these "high-need" students are also low-income.) It also provides another 50% of the base grant for each student who fits one of those categories above a set threshold in districts with high concentrations of such students. These latter school districts constitute nearly half of those in the state and represent pockets of concentrated poverty where 55% or more of the district's students are low-income. The new LCFF funding system frees districts of many of the constraints in spending that existed under the prior funding system, while imposing two main parameters: (1) districts' educational program must address eight state priorities, which fall in the areas of student achievement, school climate, course access, and the standards established by the Williams v. California case, among others, and (2) districts must increase or improve services for the aforementioned high-need students in proportion to the amount of funds those students generate for the district under the new formula.

Each district must articulate in the LCAP plans required by LCFF how it is setting goals, taking actions, and spending funds to achieve its goals in the eight state priority areas, and how it is proportionally increasing or improving services for high-need students according to a legally-established formula. LCAPs must be designed in consultation with school community stakeholders, including parents and students, adopted after a set of public hearings, and reviewed and approved by county

offices of education, and they must identify how local districts propose to spend the state's \$70-plus billion investment in public education. They are due June 30th each year and are reviewed for October approval by county offices.

With our community partners, Public Advocates has played a major role (as part of our EAF-supported work) in shaping the State Board of Education's regulations and California Department of Education guidance governing the rules for district compliance with the transparency, community engagement, and proportional expenditure requirements of the LCFF statute.

To ensure the full and faithful implementation of the equity promise of LCFF for indigent students, and compliance with State Board of Education regulations, Public Advocates will undertake the following activities:

- (1) Provide legal guidance to districts and the field on LCFF/LCAP compliance;
- (2) Investigate LCAPs around the state, particularly in districts with large numbers of low- and very low- income students, for their legal sufficiency;
- (3) Correct legal deficiencies by working with districts and county offices of education; and
- (4) If necessary, undertake enforcement actions, including:
  - (a) Submitting administrative complaints, such as those we filed against the Long Beach Unified School District and the Los Angeles County Office of Education in 2017 that resulted in new and expanded services for low-income students in 30 of the district's highest-need schools and the West Contra Costa Unified School District in 2018, which resulted in the release of key data on student performance;
  - (b) Litigation of the sort we filed against the Los Angeles Unified School District, which resulted in a precedent-setting agreement providing more than \$150 million to 50 of the highest-need schools in the district; and
  - (c) Monitoring and enforcing the settlements or administrative or court orders that we have obtained.
- (5) Informing the field and school districts statewide about these precedent-setting actions through earned media, social media and other distribution networks.

## B. Metropolitan Equity

We will use the other half of this grant to provide legal and policy advocacy in support of the needs of indigent residents for affordable housing, tenant protections, the prevention of displacement, and transportation and climate investments that meet their most pressing needs while promoting neighborhood stabilization.

The focus of this work is legal investigation, policy analysis, monitoring, enforcement, and legal advocacy activities to implement state housing bills signed into law since 2017, including housing civil rights legislation passed in 2018, and the recently passed Tenant Protection Act of 2019 (AB 1482, co-sponsored by Public Advocates), and ensure that this legislation benefits indigent Californians. These bills include new, equitable land use requirements, funding for affordable housing, and the tenant protection policies in AB 1482, which that prevent rent-gouging and unjustified evictions by landlords, as well as fair housing legislation (AB 686, co-sponsored by Public Advocates) that provides legal leverage for compelling local governments to identify barriers to fair housing choice that perpetuate segregation and take actions to remedy them. We will work to ensure that these laws result

in tangible benefits for indigent residents at the local level, while pressing for additional state legislation to create and preserve affordable housing and prevent residential displacement.

In pursuit of these goals, we will build on the housing policy agenda we helped develop in 2015 with more than 60 advocacy and base-building groups representing low-income residents from across California and the housing production policy agenda we are currently developing with many of these groups, a process we launched by way of a statewide convening on August 1, 2018, in which 35 organizations from across the state participated, and continued with an October 1, 2019 convening. A second key goal is to ensure that investments of climate and transportation funds at the state, regional, and local levels are shaped by and meaningfully benefit indigent residents and communities.

We will provide a range of legal services, including policy development, drafting and co-sponsoring legislation, and administrative and legal enforcement, on behalf of indigent residents and communities. Critical issues we will address — and opportunities we will seek to leverage — include the following:

- The failure of local governments to meet their obligations under the Housing Element Law and the Surplus Land Act (as newly amended). The legislation that we successfully co-sponsored in 2017 (AB 1397 and SB 166) strengthens the Housing Element law's requirements that local governments identify and maintain realistic sites for affordable housing development, and provides new legal leverage to compel anti-housing jurisdictions to comply with these requirements. In 2018, legislation we helped to draft and enact (AB 1771), added fair housing requirements to the process of setting Housing Element targets — which will strengthen this system as a tool for advancing affordable housing in high-resource cities. Another bill we co-sponsored in 2018 (AB 686) introduces strong new legal requirements in the Housing Element, which require an assessment and action plan to advance fair housing, and requires affordable housing sites to be identified in high resource areas. The Surplus Land Act requires various local agencies and jurisdictions to prioritize the use of surplus public land for affording housing, and we have pursued enforcement actions and litigation in Oakland and San José when its requirements have not been met.

- The gap in affordable housing funding left by the dissolution of redevelopment agencies. Although the legislature took an important step in 2017 to establish a new permanent source for affordable housing (SB 2), this funding will be distributed primarily by formula to cities around the state. Concerted and coordinated advocacy is needed to ensure this new funding is effectively and properly spent. In 2019, we will also engage in policy discussions aimed at bringing back an affordable housing funding set-aside and production requirement in any new redevelopment bill, as well as protections against displacement and requirements that investments benefit underserved community residents by addressing needs they identify as priorities.

- The impact of market demand combined with government policies that subsidize and streamline luxury development near transit. Together, these factors are driving up rents in low-income urban neighborhoods, pricing out the poorest families, and displacing them to areas lacking employment and educational opportunity and access to healthcare and other services.

- The role of major corporations in driving a job boom concentrated in the technology and related sectors that few low-income residents and people of color benefit from. Influxes of highly paid workers are driving up housing prices and creating intense displacement pressures in communities that have historically housed low- and moderate-income residents, often people of color. These highly profitable corporations, which have benefited disproportionately from recent federal tax cuts, can (and should) mitigate these impacts through corporate social responsibility, community engagement programs, and community benefit agreements.

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-Major new investments addressing critical needs of very low-income communities and residents. The passage of SB 1 (Beall), a \$5.2 billion a year transportation funding measure, includes \$400 million a year for expanding the transit services that low-income residents depend on to access work, school, healthcare, and legal services attorneys, as well as \$25 million a year for Sustainable Communities Planning Grants. We will monitor the implementation of SB 1 and work to ensure that a fair share of transportation investments meets the priority needs of low-income communities. We will also work to bring greater funding to operating transit services and reduce fares for the benefit of indigent riders who depend on transit to get to all essential destinations, including work, school, and medical and social services. We will also continue to work on shifting the way public investment is directed in both the housing and transportation sectors and with climate investments.

To promote these priorities, take advantage of these opportunities, advance investments in affordable housing and local transit service, and build the power of low-income communities in state and local decision-making, Public Advocates will undertake the following activities:

- (1) Legal analysis to develop policy proposals and participate in stakeholder discussions to ensure that new state housing policy meets, and does not compromise, community needs;
- (2) Identify and execute local implementation strategies and educate community and advocacy organizations throughout the state about the legal parameters set by new state housing laws and the local actions needed to make these housing bills meaningful (for example, AB 1505, which restores the ability of local jurisdictions to impose inclusionary housing requirements on rental developments but does not require such local policies, and AB 1482, which provides renter protections to tenants of some newer buildings and single-family homes that are excluded from local rent control ordinances by the Costa-Hawkins Act);
- (3) Advocate at the state level to build on the successful legislation addressing the housing needs of indigent Californians from 2017-19 and fill remaining gaps in renter protections, affordable housing funding, and housing preservation laws;
- (4) Conduct legal, policy, and fiscal analyses on issues important to indigent households, both for the internal support of our statewide coalition partners and to help guide decision makers and the general public;
- (5) Play strong leadership roles in statewide equity networks, providing linked grassroots groups in low-income communities across the state access to critical legal analysis, assistance accessing and understanding procedural requirements in state decision making processes, and building the capacity of indigent residents to engage in state policy advocacy;
- (6) Develop innovative legal solutions to poverty and the exclusion of indigent residents from opportunity, and advocate for their adoption at the state administrative and legislative levels;
- (7) Work with academic and other experts to develop strong equity methodologies, indicators, and metrics; and
- (8) Disseminate our analyses and solutions to a range of stakeholder audiences.

**a. What results or outcomes do you anticipate from the specified use of grant funds?**

**A. Education Equity**

The impact of our work is twofold. The legal guidance and consultation we provide to school districts and county offices of education help ensure LCFF's myriad legal requirements are honored, including the key requirement that some \$9 billion in

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supplemental and concentration grants from the state be principally directed towards and effectively used to increase or improve services for high-need/indigent students. Our enforcement actions, whether through advice calls, demand letters, administrative complaints or litigation, stop unlawful uses of these funds, which effectively deny high-need students services to which they are entitled, with potential long-term impacts on their educational attainment. Moreover, the outcomes of our enforcement efforts result in corrective actions voluntarily taken or ordered against districts and/or settlements that provide significant relief, as in the settlement of our lawsuit with LAUSD, which provides more than \$150 million for supportive services in the district's highest need schools and the administrative relief we won against LAUSD and Long Beach Unified, ordering a halt to unlawful spending practices. We always undertake enforcement actions strategically, that is, with an eye to setting precedents that will discourage districts throughout the state from failing to fulfill the equity promise of the LCFF.

Our LCAP legal guidance, enforcement, and litigation work is targeted to benefit the millions of indigent students, including especially disadvantaged and underserved English learners and foster youth, and their families throughout California. Specific outcomes include:

- Challenged districts, as well as districts across the state, comply with their legal obligation to properly use funds designated for increased or improved services for high-need students resulting in improved educational opportunities and outcomes;
- School districts honor the rights of low-income parents and students to meaningfully engage in the development of district spending and academic plans; and
- Districts follow legal requirements to be transparent about how they are spending state LCFF funds and the results they are achieving with indigent students as a result of district actions and services.

#### B. Metropolitan Equity

The outcomes of the work described above include:

- New investments addressing California's critical affordable housing shortage in jurisdictions where indigent residents are being disproportionately impacted;
- Enforcement of new and existing laws and regulations that results in local jurisdictions identifying and maintaining realistic sites for affordable housing development and prioritizing surplus public land for affordable housing;
- Legislation and policies adopted and implemented at the local, regional, and state level that are meaningful and legally enforceable protecting vulnerable residents from displacement;
- Equitable investments made in transit services that meet the mobility needs of indigent residents and/or reduce transit fares for them;
- New state legislation and/or policies adopted and/or implemented that set aside funds to meet the housing and transportation needs of indigent residents in disadvantaged and low-income communities;
- Faithful implementation of existing set-aside provisions governing the expenditure of cap-and-trade revenues that benefit (and do not harm) indigent residents in disadvantaged communities and low-income residents; and



-Increased capacity of community organizations representing indigent Californians to advance and shape policies and investments, utilize legal and policy levers, and hold decision-makers accountable;

-New legal theories and strategies for advancing equitable investments, addressing the affordable housing shortage, and protecting indigent residents from harmful actions by public and private sector actors.

In all our work, we seek to bring the voices of the lowest-income residents to the table when local, regional, and state agencies make critical decisions that impact their social and economic opportunities. Our overarching goal is to ensure that state policy and budget reforms meet the real needs of the lowest-income Californians, that the voices of these residents are included the development of new policies and proposals, and that their advocacy is effective in not only winning reforms but implementing them as well.

b. How does the IOLTA grant fit into the overall budget of the organization? For example, are the funds allocated evenly across all qualified expenditures for both personnel and non-personnel expenses, are they designated for specific positions or projects, are they used to leverage a match for other grants, etc.?

This IOLTA grant is treated as project funds that support our Education Equity and Metropolitan Equity teams to work on the specific projects discussed above. These valuable funds support specific personnel and non-personnel expenses related to that project work. We do use IOLTA funds to leverage other grants, for example, by demonstrating to potential funders that we have existing partial external support for the work, which reinforces its significance. We also use the allowable amount of non-program funding toward core operating expenses, which are the hardest to raise from other sources and yet are essential to effective operations and organizational sustainability (e.g., financial management; development; occupancy expenses).

## Staffing Classification

Positions	FTEs	Description of Work
Attorneys	1.59	Managing attorneys will: lead their respective teams; act as lead counsel (on LCFF enforcement work); anchor state policy work (on transportation and investment equity). Staff, Senior Staff and Deputy Managing Attorneys and Law Fellows will: serve as co-counsel, chief investigator, community advisor (on LCFF enforcement work); anchor state policy work (on affordable housing and displacement); work on cap-and-trade policy and investment advocacy.
Paralegals	0.20	This position will provide support in areas of research, outreach, travel planning, event logistics, and materials preparation.
Other	0.46	This includes our President & CEO, who is also an attorney with deep knowledge of education and transportation issues, and members of our Communications Team (Director of Communication, Communication Manager and Digital Communications Specialist) who will work with both teams as well as with our coalition and community partners to provide strategic communication support.
	0.00	
	0.00	
Total	2.25	

## FORM B -EAF Budget Description

1. EAF grant allocation: \$212,490

2. Describe the activity, or set of activities, you propose to fund with the EAF grant. If you propose more than one set of activities, please number and describe each of them separately.

California's school system is the largest in the country with close to 6.3 million public school students, one of every eight in the nation. Seventy-six percent are students of color and 58% qualify for free or reduced priced meals, an indicator of poverty. More than 20% of the student population, 1.3 million, consists of English Learners. An even larger group, 42%, speak a language other than English at home. English Learners are poor at an even higher rate than the general population. According to the nonpartisan Legislative Analyst Office, approximately 75% of English Learners in California qualify for free or reduced-price lunch.

Unfortunately, low-income students and English Learners continue to have the worst achievement outcomes in the state and face the greatest obstacles for moving on to productive college and career tracks. The 2018 results from the Common Core standards-aligned state achievement tests (SBAC) show that low-income students and English Learners continue to lag far behind their peers in demonstrating academic proficiency. On the English-Language Arts standards tests, only 38% of economically-disadvantaged students demonstrated proficiency, compared to 69% for non-disadvantaged students. Results for Mathematics were similar with 26% of poor students scoring proficient compared to 58% of students who are not economically-disadvantaged. Now that California is testing for more rigorous, higher-order, and problem-solving skills under the new Common Core standards these gaps are larger than those exhibited on the last round of testing in 2013 under the state's previous standards.

Performance on these English-only tests has high stakes for poor and indigent English Learners. If they cannot demonstrate proficiency in the state's standards, they are continually assigned, year-after-year, to remedial English-Language Arts and Mathematics courses, where they languish and rarely are able to progress to more rigorous college preparatory courses. In 2018, state SBAC tests showed that only 13% of English Learners tested proficient on English Language Arts standards compared to 56% for English-only students. Similar gaps in proficiency exist for English Learners on the Mathematics standards tests with only 13% scoring proficient in Math, compared to 44% for English-only students. (And again, these gaps were wider than those last observed under the prior standards tests.)

While California ranks among the top five economies worldwide, it significantly under-invests in education. As a recently published study produced by Stanford University and Policy Analysis for California Education found, in 2016–17 California's public K–12 schools spent about \$69.7 billion to educate their students. An additional \$22.1 billion — 32% above actual spending — would have been necessary to ensure that all students had the opportunity to meet the state's goals for student achievement. The most recent Education Week analysis (2018) places California 35th out of 50 states and the District of Columbia in adequacy of school funding, an especially poor ranking given California's very high cost of living and the large share of high-need students that are educated here.

As a result of this under-investment, California has the fewest adults per student in its school system — teachers, counselors, administrators, and health and social support personnel — of any state in the country. The state disproportionately fails to deliver fully-prepared teachers, instructional materials, safe and clean facilities, rigorous curriculum, and support services to the neediest students so as to prepare them for college and career. In addition, the policymakers running the school system are

primarily responsive to traditional advocates — teachers' unions, school administrators, and, locally, more affluent, better-educated, and vocal parents — as compared to the bulk of the parents and students, who are from low-income communities, often with immigrant backgrounds. Although the entire public school system is struggling, the most disadvantaged students — low-income students of color, English Learners, and other students in poverty — are the most negatively affected. Grassroots organizations representing these families, and the students and families themselves, are hampered by a lack of access to information about their legal rights to basic educational opportunities and, as a result, do not typically have a place at the state and local tables where resource, instructional, and accountability policies and practices are developed. The need for effective community engagement from low-income communities in state and local education policy making is critical.

After 2013, this need took on even greater urgency. With support, momentum, and technical expertise provided by Public Advocates and our client base of grassroots organizations, California passed a landmark school funding reform known as the Local Control Funding Formula (LCFF). As detailed above, the LCFF's new, more equitable funding formula provides all districts a uniform base per pupil grant plus an additional 20% for each student who is either low-income, an English Learner, or a foster youth, and another 50% of the base grant for each student who fits one of these categories above a set threshold in districts with high concentrations of such students. Each district must now annually articulate in its Local Control and Accountability Plan (LCAP) how it is setting goals, taking actions, and spending funds to achieve state goals in eight priority areas and how it is proportionally increasing or improving services for high-needs students. LCAPs must be designed in consultation with school community stakeholders, adopted after a set of public hearings, and reviewed and approved by county offices of education. In addition to the great need for an informed community voice in education policy making in general, LCFF poses challenges — and new opportunities — for parent, student, and community groups to engage in shaping state LCFF policies and rules as well as local district processes for creating and revising academic and spending plans, that is, their LCAPs, annually.

Public Advocates' Educational Equity project will address these challenges and opportunities through two sets of activities:

(1) Technical Assistance

(a ) Providing 7-12 technical assistance trainings to grassroots partners.

(b) Providing technical assistance to at least 50 organizations including grassroots partners working in at least 8-10 school districts in the form of policy and legal analysis, tracking and summarizing policy developments, development of policy alternatives, and campaign development assistance.

(2) Policy and Legal Analysis

In addition, to increasing the capacity of grassroots partners to affect state and local educational policy and practices, we will provide policy and legal analysis at the following service levels:

(a) Participating monthly in leading the Technical Working Group (that is, the steering committee) of the LCFF Equity Coalition, a collaboration of more than 40 organizations that has coalesced around LCFF policy advocacy, including grassroots entities with statewide reach, such as PICO California, Californians for Justice, Parent Institute for Quality Education, and the Parent Organizing Network.

(b) Drafting and submitting letters to the State Board of Education and testifying on behalf of the LCFF Equity Coalition on LCFF and accountability policies at State Board meetings every other month.

(c) Participating monthly in a new “Partnership” collaborative along with Californians for Justice, the Learning Policy Institute, and the Advancement Project to further expand the grassroots education advocacy infrastructure and to advocate for enhanced school funding and teacher quality policies.

(Note: This community engagement, advocacy, and capacity-building work around state and local educational policies is distinct from the LCFF/LCAP enforcement work supported by the IOLTA grant, which supports the provision of legal compliance advice to districts across the state and, where necessary, investigation, administrative complaints, and litigation to enforce compliance with LCFF’s legal requirements.)

**a. What results or outcomes do you anticipate from the specified use(s) of grant funds, and how will you evaluate progress towards achieving identified results or outcomes?**

Public Advocates’ Educational Equity program seeks to increase the capacity of grassroots community groups, low-income parents, students of color, and English Learners to positively affect education policy in ways that result in greater educational opportunities, particularly for underserved, low-income English learner students. The overarching goals for this project (and our embedded theory of change) can be summarized as: (1) informing, educating, and providing technical assistance to grassroots community groups and low-income parents and students so as (2) to increase their capacity to influence local and state education policy and, thereby, (3) positively shape education policy in ways that result in greater educational opportunities for the target constituencies. Achieving these goals will result in greater capacity for grassroots organizations to affect state and local education policy, particularly policymaking by the State Board of Education and local districts’ annual plans for spending and for meeting state and local educational priorities as evidenced in district-adopted LCAPs.

In particular, we will bring community voices into state and local education policy decisions to achieve the following outcomes:

(1) Influence the State Board of Education’s or the State’s adoption of at least two new policies that refine implementation of LCFF and its new state accountability framework (the California School Dashboard) for measuring district and school performance under the LCFF to the benefit of low-income students and English learners, and

(2) Influence local adoptions of LCAPs in two or more instances so as to achieve our community partners’ identified needs and priorities for their target constituencies and establish best practices for statewide dissemination and/or identify needed statewide policy adjustments.

(3) Implement a set of agreed-upon work plans and commitments for advancing grassroots-based education advocacy work in 2020 through the Partnership collaborative.

For additional information on progress tracking see the response to question below Form C, 2b.

**b. For each activity, or set of activities, describe generally the categories of staff that will be funded, the services each category of staff will provide or the activities they will undertake, and the particular outcomes and goals associated with those activities.**

This work will be implemented primarily by the attorney members of the Education Equity team, which includes:

Managing Attorney: Oversees the project, directs state-level advocacy, and provides input on grassroots training and advocacy as required.

Deputy Managing Attorney: Assists with team operations, Partnership work, and the provision of grassroots technical assistance and community organizing support.

Director of Legislative & Community Affairs: Leads the implementation of the policy advocacy work and community outreach relative to the state-level advocacy and local advocacy in the Sacramento City Unified School District and Central Valley districts.

3 Senior Staff Attorneys: Provide legal technical assistance to families and community organizations, trainings, and grassroots advocacy for districts in the Bay Area, South Bay, Central Coast, and Los Angeles County; one will also provide Sacramento-based state-level advocacy support, particularly in the area of the equitable distribution of qualified teachers.

Law Fellow: Provide support to the local technical assistance and community organizing support teams across the state.

All of the staff above (with the exception of the Managing Attorney) will be involved in delivering the trainings and technical assistance, increasing the capacity of grassroots organizations and low-income students and parents, and working to win local policy and practice changes in district LCAPs. The Managing Attorney and the Director of Legislative & Community Affairs will lead work to bring the influence of grassroots community groups and their constituents to state-level policymaking with support from the other attorneys.

Also supporting the efforts of the Education Equity team are the following categories of staff:

Administrative: members of this team provide office and administrative support (which includes calendaring, planning for travel and meetings, preparing documents) to the Education Equity team and, in some cases, to the Partnership collaborative.

Communications: members of this team lead communication campaigns directly related to the project and provide additional communications support.

Development: members of this team work closely with the program teams to manage the grant development, deliverables tracking, and reporting processes.

Finance: members of this team provide budgeting and reporting leadership and support and expense management to this project.

c. How does the EAF grant fit into the overall budget of the organization? For example, are the funds designated for specific positions or projects, are they used to leverage a match for other grants, etc.?

As with the IOLTA grant, the EAF grant is treated as project funds that support our Education Equity team to work on the specific project work discussed above. These valuable funds support specific personnel and non-personnel expenses related to that project work. We do use EAF funds to leverage other grants, for example, by demonstrating to potential funders that we have existing partial external support for the work, which reinforces its significance. We also use the allowable amount of non-program funding toward core operating expenses, which are the hardest to raise from other sources and yet are essential to effective operations and organizational sustainability (e.g., financial management; development; occupancy expenses).

Categories	EAF Grant Funds		Other Funds		Totals for Funded Activities
	# of Positions	FTEs	# of Positions	FTEs	FTEs

Attorneys	7	0.83	7	1.38	2.21
Paralegals	1	0.05	1	0.23	0.28
Other	2	0.08	2	0.20	0.28

### FORM C - Compliance Assurance

#### 1. How will the organization ensure IOLTA and EAF grants are used only to provide free civil legal services to indigent persons in California as defined in the statute and rules?

It is the mission of Public Advocates to address the systemic causes of poverty and discrimination. To achieve this goal, we provide free civil legal services and legal advocacy, and undertake cases and projects specifically targeted to benefit indigent individuals, groups or classes of indigent persons, and organizations that provide benefits primarily to persons who are indigent.

Our Education Equity work is targeted primarily to benefit the statewide population of low-income students and their families who qualify as impoverished under federal poverty guidelines. There is not readily-available information statewide and in individual school districts as to which students meet the precise federal definition. As such, we rely on the most commonly used proxy for poverty in education, which is the measure of students whose families qualify for the federal free lunch program (which criterion is 135% of poverty) In 2018–19, 3,236,350 or 52% of all California public school students were deemed eligible for free lunch. Further, much of our current education equity efforts concern school districts with concentrated poverty under the state's new Local Control Funding Formula law, where 55% or more of the students qualify for free or reduced price meals. These districts make up about half of all California school districts and are found in every county of the State. Finally, as well, a significant part of our education work impacts the special needs of English learners, who come from predominantly immigrant families. English learners are poor at an even higher rate than the general school population. According to the nonpartisan Legislative Analyst Office, approximately 75% of English Learners in California qualify for free or reduced price lunch. (This is certainly an underestimate as it does not include undocumented students who do not qualify or enroll in the free/reduced price meal program due to immigration status.)

Similarly, on the Metropolitan Equity side of our work, indigent residents disproportionately depend on public transit to access jobs, schools, health care, and other essential services. Among California workers who rely on public transportation to commute to work 199,861 have income less than 150% of the poverty threshold. Of these, a majority (108,522) have incomes 100% or less of the threshold. This Census data excludes millions of Californians living at or below 125% of poverty who depend on public transit for non-work trips. Our housing advocacy impacts 2,067,055 California renter households earning 50% or less of HUD Area Median Family Income who are housing cost-burdened, that is, spending 30% or more of household income on housing costs. Of these households 1,196,680 earn less than 30% of HUD Area Median Family income. Thirty-percent of Median Family Income for a California household of three is \$20,950 and for a household of four \$23,250, income levels less than the criterion for indigency for family of those sizes as defined in B&P §6213(d). Based on California's average household size of 2.9 persons, this advocacy activity impacts 5,994,460 low-income residents, a majority of whom (3,470,372) are indigent.

Relying on these methodologies we are confident that the services we provide benefit indigent persons.

**a. How do you screen at intake for income and other eligibility information?**

Public Advocates Inc. engages in systemic challenges to the persistent, underlying causes and effects of poverty. This is Public Advocates' primary purpose and function, and to achieve this goal we provide legal services on behalf of California's poor without charge.

Because Public Advocates' primary focus is impact litigation and advocacy, rather than direct services and direct representation, Public Advocates focuses on the income levels and poverty of the class the legal services are designed to benefit. For example, even if Public Advocates represents specific indigent individuals in a class action or other impact case, it ensures that the relief sought primarily benefits poor people as a class, not just those specific individuals. Similarly, Public Advocates often represents community-based organizations, which in turn provide direct services and leadership to poor people within their respective communities. Public Advocates ensures that the action and the relief sought broadly benefit poor people as a class, even if the community-based non-profits or some of the individual plaintiffs in a given case are not themselves indigent individuals.

Accordingly, in assessing whether proposed legal services will provide systemic relief from the persistent, underlying causes and effects of poverty, Public Advocates determines that the relief and legal services, if successful, will benefit a significant number of individuals and/or households whose incomes fall within governmental poverty thresholds established and revised from time to time, and in any case within the threshold set by section 6213(d) of the California Business & Professions Code.

Public Advocates' policy is to ensure compliance with these Income Eligibility Guidelines in its case selection process. Each memo requesting Board approval for new litigation includes an analysis of the following factors and any others, as applicable, that aid in ensuring that the matter is one which will primarily benefit indigent persons (as that term is defined in Section 6213(d) of the California Business & Professions Code):

- (1) the forum in which the matter is being pursued;
- (2) whether the named clients are indigent persons or organizations primarily benefiting indigent persons;
- (3) in the case of a proposed class action, the definition of the class to be contained in the complaint;
- (4) a description of the group of individuals that would benefit from a favorable resolution of the matter, and if available, relevant demographic data that assists in quantifying the relative size of that group (e.g., proportion of the affected persons who receive free or reduced-price lunches or who live in very-low or extremely-low income households);
- (5) to the extent ascertainable, whether a majority of those who would benefit are indigent persons;
- (6) the relation of the legal issues raised by the matter to the needs of indigent persons;
- (7) whether indigent persons are disproportionately impacted by the legal issues to be raised or the policy or practice to be challenged; and
- (8) the relief proposed to be sought.



**b. Describe any other relevant practices to ensure funds are spent only for qualified legal services.**

We also evaluate whether our work has achieved tangible legal and policy changes that are effective in benefiting our target indigent populations. See answer to Question 2c below.

**2. Significant efforts must be made to use 20 percent of the IOLTA and EAF grants for increasing the availability of services to members of especially disadvantaged and underserved client groups (Business & Professions code Section 6221). What constituency(ies) will you serve with 20 percent of the grant allocations for IOLTA and EAF?**

By its nature, Public Advocates' work, as described in detail above, is targeted to primarily benefit especially underserved and disadvantaged client groups, including the elderly, the disabled, and juveniles in the areas of K–12 education, housing, transportation, land use, and climate change. More than 20% of the allocation will provide services to members of especially underserved client groups throughout California.

**IOLTA Grant:**

In our Education Equity work, we have a special focus on children who speak a language other than English, a significant percentage of whom come from immigrant families. English learner students, for example, account for more than 19% of California's public school population or some 1.2 million students. Forty-two percent of the state's students speak a language other than English in their homes and 49.1% have at least one foreign-born parent. In the school districts with concentrated poverty that we work in, the percentage of English learners is much higher — for example, 31% in Oakland, 21% in Long Beach, and 25% in Los Angeles. These students are among the most disadvantaged populations of low-income students in California. Compared to low-income English only (as well as to non-poor students), they suffer from higher proportions of under-qualified teachers, more severe shortages of instructional materials, poorer physical conditions, and less access to college-track course offerings. As a result, they receive among the lowest proficiency scores on state assessments and have some of the lowest graduation rates.

Similarly, our advocacy and legal enforcement work focused on advancing affordable housing and local transit are entirely focused on meeting the needs of California's lowest-income residents, a disproportionate number of whom are juveniles, seniors, and the disabled. This work aims to strengthen the voices of very low-income communities in state housing and transit policy while at the same time increasing the investments and policies needed to meet these communities' needs. At least 20% of these efforts will benefit very-low and extremely low-income residents, including families facing severe housing insecurity who are at-risk for displacement and homelessness.

For instance, through our statewide coalition work on the expenditure of cap-and-trade revenues we helped to secure a continuing appropriation of 10% of these funds to be used for affordable housing near transit and 5% to be dedicated to operating public transit. Free transit passes for indigent riders who are otherwise forced to evade fares or forego other essentials to pay for transportation is also an eligible use that we will continue to advocate for. Millions of dollars will be dedicated this fiscal year for the construction of housing affordable to the lowest income families near transit, jobs, and other opportunities, while millions more will be dedicated to transit service improvements. We will continue to work statewide to ensure that these promised benefits flow to the lowest-income Californians and to build on these successes in future funding cycles.

We are also focused on preventing displacement of the most vulnerable residents from areas near transit, which experiencing rapidly increasing pressures as a result of new state investments and market forces. The residents most at risk are those who



are working minimum wage jobs or are marginally employed. The already high cost of living throughout the state means that these individuals and families are living in substandard housing, often in severely overcrowded conditions. Still, losing this housing often leads to severe disruption of social and economic networks that can be difficult or impossible to recover from and homelessness.

People with disabilities are among those hit hardest by the housing crisis and lack of affordable and reliable transportation. We have advocated for supportive housing for people with disabilities through the planning code and land use policy, community benefits agreements, and Affirmatively Furthering Fair Housing (AFFH) obligation, and we have highlighted the issue through CASA, the regional initiative to develop actionable solutions to the Bay Area's housing crisis. Through AFFH planning processes, we have also lifted up the importance of ensuring access for people with disabilities to public transportation. At the state level, AB 686, the legislation we co-sponsored to enshrine the AFFH principle into California law, includes people with disabilities as a protected class.

In sum, well over a third of the work of the overall 2.25 FTE attorney and other program staff allocated to the Education Equity and Metropolitan Equity programs supported by the IOLTA grant will benefit targeted members of especially underserved communities throughout California. The total cost of these staff alone amounts to \$277,099 including benefits; this amount is well above the 20% threshold.

#### EAF Grant:

Well more than 20 percent of the allocation will provide services to members of especially underserved client groups throughout California. Public Advocates' Educational Equity project seeks to improve educational opportunities in low-income schools across the State. These schools are overwhelmingly populated not only by low-income students, but especially disadvantaged low-income ethnic and language minority youth as well. In particular, within the population of underserved low-income students, a substantial part of Public Advocates' efforts will inure to the benefit of low-income, immigrant, English learner students. As noted, English learners (75% of whom are low-income), account for 20% of California's public school population or some 1.3 million students. In many of the worst-off schools they often constitute 60% or more of the student population. Research surveys have demonstrated that English learners are the most disadvantaged students in California in that, among all traditional sub-populations, they suffer from the highest proportion of under-qualified teachers, the most severe shortages of instructional materials, and the worst physical conditions.

Well over a third of the overall 0.96 FTE attorney and other program staff allocated to the Education Equity staff supported by the EAF grant will benefit English learners who are an especially disadvantaged and underserved population in California. The total cost of these staff alone amounts to \$123,577 including benefits; this amount is well above the 20% threshold.

#### a. Why do you consider this constituency to be of special need?

Please refer to the answer to question Form C #2 immediately above.

#### b. What services will the organization provide to this constituency?

Please refer to the answers to questions in Form A and Form B #2 above.

#### c. How will these services be evaluated?

The goal of the services we provide is to generate changes in law and policy, and enforce existing laws and policies, that serve the needs of very low-income people. We regularly evaluate the success of our efforts to make our services available to

underserved client groups (especially communities of color and limited-English-speaking constituencies in poverty). We do so by reviewing how the outcomes we achieve in our lawsuits and other legal advocacy efforts affect the availability of quality educational, health, housing, transportation and other opportunities for poor residents generally, and poor minority and limited-English-speaking constituencies in particular.

We use a variety of tools to track our progress, including project management software, on-line data collection, and time tracking software. We evaluate our progress through periodic reviews of both activities and outcomes, individual reviews in staff evaluations, and during annual team retreats. Our program teams meet weekly to review progress and assess the extent to which we are achieving our objectives. We analyze policies and key decisions as they are adopted in relation to our “asks” to determine degrees of success, effectiveness, and whom they benefit by examining external indicia of support (statements by policy makers, letters from stakeholders, adopted policies, outcomes of collaboration and enforcement activities), and by assessing the extent to which our local community partners successfully engage in advocacy and achieve their priorities. We hold frequent meetings, feedback sessions, and debriefs with our partners to evaluate our work together, assess the effectiveness of strategies, and align activities with the needs of our partners’ core communities.

We use the feedback gathered and assessments described above to make adjustments through the year, and formally at our annual program team retreats. During our annual retreats we engage in deep conversations, self-assessments, and reflection to review which strategies and campaigns have been most successful or unsuccessful and why. We analyze threats and opportunities, identify organizational and staff capabilities we need to develop, and do a landscape scan for the coming year. We also analyze our current work to determine whether a shift in priorities or initiatives is needed, and whether any new areas of work should be pursued.

We have also engaged external evaluators to measure our effectiveness. For example, a number of years ago Public Advocates received five years of funding from the Hewlett Foundation to engage an outside evaluator to review and assess the effectiveness of our education work. The evaluator determined that Public Advocates’ objectives are being achieved, including with respect to efforts which have been funded by past IOLTA and EAF grants. Each year that evaluation included analyses of completion of actions intended to advance specific goals and sometimes also included structured interviews with clients, stakeholders, policy makers and others knowledgeable about our work. These interviews have generated overwhelmingly positive feedback and affirmance of the impact of our work and has included, as well, valuable suggestions for improvement that we incorporate into our work.

From time to time, we also undertake studies to assess our impact over the longer term. Our case against the City of Pleasanton, for example, which was supported by IOLTA funding, resulted in a 2010 ruling requiring the City to rezone sites for affordable housing, as required by the Housing Element law. Our recent follow-up study of the impact of this ruling found that Pleasanton rezoned three sites for 871 units of affordable housing, increased its approval of affordable housing units by 40 times over the previous four years (a total of 207 units), and identified sufficient sites to build affordable housing to meet its Regional Housing Needs Assessment for the 2015–2023 period. Similarly, our success in securing the creation of the One Bay Area Grant program by the Metropolitan Transportation Commission in 2012, which tied the provision of federal funds to the construction of new housing, resulted in 27 jurisdictions that were out of compliance with the Housing Element Law adopting compliant housing elements by 2014. As a result an additional 31,811 units were planned, including 18,940 affordable units. Another example of long-term impact was our successful effort to press the City of Alameda to override a ban on new multifamily housing in 2012. This resulted in the rezoning of 16 sites for multifamily housing, the identification of

sufficient surplus land to meet its Regional Housing Needs Assessment for all levels of affordability, and the approval of at least 600 multifamily units, including 121 units of affordable housing.

All of these actions have had statewide ramifications. Following the Superior Court's ruling in *Urban Habitat v. City of Pleasanton*, for example, we quickly reach positive resolutions in two other jurisdictions that had failed to adequately plan for low-income housing, both of which explicitly referred to the outcome in the *Pleasanton* case as one that motivated them to settle. We expect similar statewide ramifications from the 2018 settlement of our LCFF enforcement action against LAUSD that resulted in \$150 million in new services for low-income students, as well as our successful enforcement actions in Long Beach Unified and West Contra Costa Unified.

d. How will you ensure that at least 20 percent of the IOLTA and EAF grants fund services to this constituency?

Please refer to the answer to question #2 above.

## FORM D - Organizational Budget

### ORGANIZATIONAL BUDGET

#### Personnel

Account Title	IOLTA	EAF	IOLTA & EAF	Other Monies	Total Budget
1. Lawyers	\$172,011	\$91,922	\$263,933	\$1,124,361	\$1,388,294
2. Paralegals	\$8,800	\$837	\$9,637	\$30,363	\$40,000
3. Other Staff	\$42,656	\$6,900	\$49,556	\$421,398	\$470,954
<b>SUBTOTAL</b>	<b>\$223,467</b>	<b>\$99,659</b>	<b>\$323,126</b>	<b>\$1,576,122</b>	<b>\$1,899,248</b>
4. Employee Benefits	\$53,632	\$23,918	\$77,550	\$373,949	\$451,499
<b>TOTAL PERSONNEL</b>	<b>\$277,099</b>	<b>\$123,577</b>	<b>\$400,676</b>	<b>\$1,950,071</b>	<b>\$2,350,747</b>

#### Non-Personnel

Account Title	IOLTA	EAF	TOTAL IOLTA & EAF	Other Monies	Total Budget
5. Space	\$59,372	\$23,765	\$83,137	\$235,652	\$318,789
6. Equipment Rental and Maintenance	\$1,500	\$300	\$1,800	\$3,700	\$5,500
7. Office Supplies	\$4,000	\$800	\$4,800	\$10,700	\$15,500
8. Printing and Postage	\$1,200	\$500	\$1,700	\$8,000	\$9,700
9. Telecommunications	\$4,000	\$700	\$4,700	\$10,300	\$15,000
10. Technology	\$8,000	\$1,500	\$9,500	\$20,400	\$29,900
11. Program Travel	\$7,700	\$3,200	\$10,900	\$54,100	\$65,000
12. Training	\$5,300	\$2,200	\$7,500	\$37,500	\$45,000

13. Library	\$1,000	\$2,300	\$3,300	\$1,000	\$4,300
14. Insurance	\$3,500	\$2,000	\$5,500	\$3,000	\$8,500
15. Litigation	\$0	\$0	\$0	\$15,000	\$15,000
16. Capital Additions	\$0	\$0	\$0	\$2,500	\$2,500
17. Contract Service to Clients	\$0	\$0	\$0	\$0	\$0
18. Evaluation	\$0	\$0	\$0	\$0	\$0
19. Other	\$5,000	\$1,000	\$6,000	\$141,000	\$147,000
<b>TOTAL NON-PERSONNEL</b>	<b>\$100,572</b>	<b>\$38,265</b>	<b>\$138,837</b>	<b>\$542,852</b>	<b>\$681,689</b>
<b>Administrative</b>					
20. Personnel	\$100,339	\$37,948	\$138,287	\$688,218	\$826,505
21. Non-Personnel	\$24,000	\$12,700	\$36,700	\$91,385	\$128,085
<b>TOTAL ADMINISTRATIVE</b>	<b>\$124,339</b>	<b>\$50,648</b>	<b>\$174,987</b>	<b>\$779,603</b>	<b>\$954,590</b>
<b>GRAND TOTAL</b>	<b>\$502,010</b>	<b>\$212,490</b>	<b>\$714,500</b>	<b>\$3,272,526</b>	<b>\$3,987,026</b>

Personnel Total: \$2,350,747

Non-Personnel Total: \$681,689

Grand Total: \$3,987,026

### IOLTA Summary

% Personnel: 75.19%

% Non-Personnel: 24.81%

#### Personnel Allocation

If the proposed budget allocates less than 75 percent to personnel, explain why it deviates from the recommended percentages?

% Program: 75.23%

% Administration: 24.77%

#### Program Allocation

If the proposed budget allocates less than 75 percent to program, explain why it deviates from the recommended percentages.

Percentage of the IOLTA grant's share of the total organizational budget: 12.59%

### EAF Summary

% Personnel: 76.02%

% Non-Personnel: 23.98%

## Personnel Allocation

If the proposed budget allocates less than 75 percent to personnel, explain why it deviates from the recommended percentages?

% Program: 76.16%

% Administration: 23.84%

## Program Allocation

If the proposed budget allocates less than 75 percent to program, explain why it deviates from the recommended percentages.

Percentage of the EAF  
grant's share of the total  
organizational budget:

5.33%

## FORM E - Proposed By County IOLTA/EAF Budget

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Form:

By County Form

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County Form:

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**1. If you serve more than one county, explain how you will ensure that grant funds will be spent providing services in the county to which they are allocated.**

For example, are employees assigned to specific counties, do they keep time records, or do you allocate based on numbers of cases or client served? Be specific about all methods you use to allocate expenses by county.

The work described in Forms A and B is intended and strategically designed to achieve statewide impacts affecting all counties. As such, the vast majority of our expenses can be allocated using the method we described in Section VIII-A of our IOLTA-EAF application. Where applicable, we utilize case codes and timekeeping software to track expenses by county. For a detailed explanation of the methodology used in relation to allocating county expenses see response to question #1 in our IOLTA/EAF LSP application.

## Form F- Proposed IOLTA/EAF Budget Narrative

## Proposed Narrative

## Personnel

Account Title	IOLTA	Narrative	EAF	Narrative
1. Lawyers	172011	The attorney staff consists of 2 managing attorneys (0.18 FTE each) who will lead his respective program area; staff, senior staff and deputy managing attorneys (0.79 total FTE), policy advocates (0.24 total FTE) and law fellows (0.20 total FTE) who will provide legal and technical assistance.	91922	The attorney staff consists of the managing attorney (0.13 FTE) who will direct the project; the Director of Legislative & Community Affairs (0.08 FTE) who will lead implementation of the policy advocacy work and community outreach; the senior staff and deputy managing attorneys (0.47 total FTE) and a law fellow (0.15 FTE) who will provide legal and technical assistance to families and community organizations.
2. Paralegals	8800	The Legal Administrative Assistant (0.20 FTE) will provide support to both program teams in areas of legal research, outreach, travel planning, event logistics, materials preparation.	837	The Legal Administrative Assistant (0.05 FTE) will provide support to the Education Equity team in areas of legal research, outreach, travel planning, event logistics, materials preparation.
3. Other Staff	42656	The President & CEO (0.04 FTE) will provide thought partnership to both program teams; the Director of Communication (0.12 FTE), the Communications Manager and the Digital Communications Specialist (0.15 FTE each) will work with both program teams, co-counsel and community partners to provide strategic communications support.	6900	The Director of Communication (0.04 FTE) and the Communications Manager (0.04 FTE) will work with the Education Equity team, families and community partners to provide strategic communications support.
SUBTOTAL	223467		99659	
4. Employee Benefits	53632	Benefits include health and dental insurance, 403(b) retirement contributions, life and AD&D insurance, workers' compensation insurance and all employer-paid employment taxes. The load factor is calculated at 24%.	23918	Benefits include health and dental insurance, 403(b) retirement contributions, life and AD&D insurance, workers' compensation insurance and all employer-paid employment taxes. The load factor is calculated at 24%.
TOTAL PERSONNEL	277099		123577	

## Non-Personnel

Account Title	IOLTA	Narrative	EAF	Narrative
5. Space	59372	Since IOLTA funding may be	23765	Included in this item is 25% of

		utilized for core operating expenses and this expense is not sufficiently funded by other grants, we are assigning a larger share of this line item to the IOLTA grant: 21%.			the rent expense for our Sacramento office since our presence in Sacramento is essential to our effectiveness in our education legislative and policy advocacy work.
6. Equipment Rental and Maintenance	1500	Since IOLTA funding may be utilized for core operating expenses and this expense is not sufficiently funded by other grants, we are assigning a larger share of this line item to the IOLTA grant: 27%.	300		This is 5% of the line item and is less than the total project's staffing as a percentage of total organizational staffing (12%).
7. Office Supplies	4000	Since IOLTA funding may be utilized for core operating expenses and this expense is not sufficiently funded by other grants, we are assigning a larger share of this line item to the IOLTA grant: 26%.	800		This is 5% of the line item and is less than the total project's staffing as a percentage of total organizational staffing (12%).
8. Printing and Postage	1200	This represents the project's share (12%) of the line item.	500		This is 5% of the line item and is less than the total project's staffing as a percentage of total organizational staffing (12%).
9. Telecommunications	4000	Since IOLTA funding may be utilized for core operating expenses and this expense is not sufficiently funded by other grants, we are assigning a larger share of this line item to the IOLTA grant: 27%.	700		This is 5% of the line item and is less than the total project's staffing as a percentage of total organizational staffing (12%).
10. Technology	8000	Since IOLTA funding may be utilized for core operating expenses and this expense is not sufficiently funded by other grants, we are assigning a larger share of this line item to the IOLTA grant: 27%.	1500		This is 5% of the line item and is less than the total project's staffing as a percentage of total organizational staffing (12%).
11. Program Travel	7700	This represents the project's share (12%) of the line item.	3200		This is 5% of the line item and is less than the total project's staffing as a percentage of total organizational staffing (12%).
12. Training	5300	This represents the project's share (12%) of the line item.	2200		This is 5% of the line item and is less than the total project's staffing as a percentage of total organizational staffing (12%).
13. Library	1000	Since IOLTA funding may be utilized for core operating expenses and this expense is not sufficiently funded by other grants, we are assigning a larger share of this line item to the IOLTA grant: 23%.	2300		Included in this item is 98% of the cost of the annual subscription expense to track legislation, an activity which is essential to our statewide education advocacy work.
14. Insurance	3500	Since IOLTA funding may be	2000		Included in this item is

		utilized for core operating expenses and this expense is not sufficiently funded by other grants, we are assigning a larger share of this line item to the IOLTA grant: 29%. This includes professional liability and property insurance.		professional liability insurance which applies to attorney staff only. While our Education Team attorneys account for more than half of this expense, we are only charging 24% to the EAF budget.
15. Litigation	0		0	
16. Capital Additions	0		0	
17. Contract Service to Clients	0		0	
18. Evaluation	0		0	
19. Other	5000	Since IOLTA funding may be utilized for core operating expenses and this expense is not sufficiently funded by other grants, we are assigning a larger share of this line item to the IOLTA grant: 41%. This item consists of dues and membership fees that we are obligated to pay to ensure that our attorneys continue to be licensed to practice in the state of CA.	1000	This is 5% of the line item and is less than the total project's staffing as a percentage of total organizational staffing (12%).
<b>TOTAL NON-PERSONNEL</b>	<b>100572</b>		<b>38265</b>	
<b>Administrative</b>				
20. Personnel	100339	This includes 0.12 FTE of the Director of Finance & Administration; 0.10 FTE of the Finance Manager; 0.15 FTE of the HR Director; 0.20 FTE of the Administrative Manager; 0.12 FTE of the Grants Manager; 0.08 FTE of the Grant Writer; and 0.05 FTE of the Director of Development. Together these positions provide budgeting, reporting, compliance, HR, grant and administration support. Also included is 0.20 FTE of our Sacramento Administrative Assistant who will provide office and administrative support to Sacramento-based staff. Benefits are added at 24%.	37948	This includes 0.01 FTE of the President & CEO; 0.05 FTE each of the Director of Finance & Administration and the Finance Manager; 0.06 FTE of the Administrative Manager; 0.04 FTE of the Office Assistant; 0.08 FTE of the Grants Manager; and 0.03 FTE of the Director of Development. Together these positions provide budgeting, reporting, compliance, HR, grant and administration support. Also included is 0.06 FTE of our Sacramento Administrative Assistant who will provide office and administrative support to Sacramento-based staff. Benefits are added at 24%.
21. Non-Personnel	24000	This includes expenses related to general organizational insurance not included above in program non-personnel; fees paid for benefits and payroll processing; software	12700	This includes expenses related to general organizational insurance not included above in program non-personnel; fees paid for benefits and payroll processing; software



		subscriptions that support the development, finance and administrative teams; service fees paid to our auditor and IT support provider. We cannot operate without these services. The expenses are allocated to the maximum in keeping with the target overall grant allocation of 25% to non-personnel and non-program expenses.		subscriptions that support the development, finance and administrative teams; service fees paid to our auditor and IT support provider. We cannot operate without these services. The expenses are allocated to the maximum in keeping with the target overall grant allocation of 25% to non-personnel and non-program expenses.
TOTAL ADMINISTRATIVE	124339		50648	
GRAND TOTAL	502010		212490	

#### Upload Additional Documents (Optional)

*Please upload any supplemental materials or requested documents*

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## County Summary 2020 for Public Advocates Inc.

IOLTA				
County	Basic Allocation	Pro Bono Allocation	Total Allocation	
Alameda	\$8,460	\$0	\$8,460	
Alpine	\$30	\$0	\$30	
Amador	\$230	\$0	\$230	
Butte	\$5,460	\$0	\$5,460	
Calaveras	\$940	\$0	\$940	
Colusa	\$260	\$0	\$260	
Contra Costa	\$9,130	\$0	\$9,130	
Del Norte	\$480	\$0	\$480	
El Dorado	\$1,690	\$0	\$1,690	
Fresno	\$24,500	\$0	\$24,500	
Glenn	\$750	\$0	\$750	
Humboldt	\$2,580	\$0	\$2,580	
Imperial	\$3,420	\$0	\$3,420	
Inyo	\$40	\$0	\$40	
Kern	\$19,800	\$0	\$19,800	
Kings	\$10,470	\$0	\$10,470	
Lake	\$1,620	\$0	\$1,620	
Lassen	\$250	\$0	\$250	
Los Angeles	\$85,620	\$0	\$85,620	
Madera	\$3,910	\$0	\$3,910	
Marin	\$1,810	\$0	\$1,810	
Mariposa	\$330	\$0	\$330	
Mendocino	\$1,370	\$0	\$1,370	
Merced	\$12,090	\$0	\$12,090	
Modoc	\$110	\$0	\$110	

**County Summary 2020 for Public Advocates Inc.**

Mono	\$80	\$0	\$80
Monterey	\$7,580	\$0	\$7,580
Napa	\$990	\$0	\$990
Nevada	\$1,800	\$0	\$1,800
Orange	\$31,680	\$0	\$31,680
Placer	\$2,450	\$0	\$2,450
Plumas	\$230	\$0	\$230
Riverside	\$44,390	\$0	\$44,390
Sacramento	\$18,620	\$0	\$18,620
San Benito	\$390	\$0	\$390
San Bernardino	\$53,320	\$0	\$53,320
San Diego	\$22,730	\$0	\$22,730
San Francisco	\$2,430	\$0	\$2,430
San Joaquin	\$23,660	\$0	\$23,660
San Luis Obispo	\$2,160	\$0	\$2,160
San Mateo	\$3,020	\$0	\$3,020
Santa Barbara	\$4,840	\$0	\$4,840
Santa Clara	\$8,080	\$0	\$8,080
Santa Cruz	\$3,230	\$0	\$3,230
Shasta	\$2,340	\$0	\$2,340
Sierra	\$10	\$0	\$10
Siskiyou	\$1,260	\$0	\$1,260
Solano	\$7,000	\$0	\$7,000
Sonoma	\$5,150	\$0	\$5,150
Stanislaus	\$14,030	\$0	\$14,030
Sutter	\$1,630	\$0	\$1,630
Tehama	\$2,510	\$0	\$2,510
Trinity	\$200	\$0	\$200

**County Summary 2020 for Public Advocates Inc.**

Tulare	\$23,740	\$0	\$23,740
Tuolumne	\$400	\$0	\$400
Ventura	\$13,660	\$0	\$13,660
Yolo	\$2,220	\$0	\$2,220
Yuba	\$830	\$0	\$830
			\$502,010

EAF			
County	Basic Allocation	Pro Bono Allocation	Total Allocation
Alameda	\$3,580	\$0	\$3,580
Alpine	\$10	\$0	\$10
Amador	\$100	\$0	\$100
Butte	\$2,310	\$0	\$2,310
Calaveras	\$400	\$0	\$400
Colusa	\$110	\$0	\$110
Contra Costa	\$3,870	\$0	\$3,870
Del Norte	\$200	\$0	\$200
El Dorado	\$710	\$0	\$710
Fresno	\$10,370	\$0	\$10,370
Glenn	\$320	\$0	\$320
Humboldt	\$1,090	\$0	\$1,090
Imperial	\$1,450	\$0	\$1,450
Inyo	\$20	\$0	\$20
Kern	\$8,380	\$0	\$8,380
Kings	\$4,430	\$0	\$4,430
Lake	\$680	\$0	\$680
Lassen	\$110	\$0	\$110
Los Angeles	\$36,230	\$0	\$36,230

## County Summary 2020 for Public Advocates Inc.

Madera	\$1,650	\$0	\$1,650
Marin	\$770	\$0	\$770
Mariposa	\$140	\$0	\$140
Mendocino	\$580	\$0	\$580
Merced	\$5,120	\$0	\$5,120
Modoc	\$50	\$0	\$50
Mono	\$40	\$0	\$40
Monterey	\$3,210	\$0	\$3,210
Napa	\$420	\$0	\$420
Nevada	\$760	\$0	\$760
Orange	\$13,410	\$0	\$13,410
Placer	\$1,040	\$0	\$1,040
Plumas	\$100	\$0	\$100
Riverside	\$18,790	\$0	\$18,790
Sacramento	\$7,880	\$0	\$7,880
San Benito	\$160	\$0	\$160
San Bernardino	\$22,560	\$0	\$22,560
San Diego	\$9,620	\$0	\$9,620
San Francisco	\$1,030	\$0	\$1,030
San Joaquin	\$10,010	\$0	\$10,010
San Luis Obispo	\$920	\$0	\$920
San Mateo	\$1,280	\$0	\$1,280
Santa Barbara	\$2,050	\$0	\$2,050
Santa Clara	\$3,420	\$0	\$3,420
Santa Cruz	\$1,370	\$0	\$1,370
Shasta	\$990	\$0	\$990
Sierra	\$10	\$0	\$10
Siskiyou	\$530	\$0	\$530

## County Summary 2020 for Public Advocates Inc.

Solano	\$2,960	\$0	\$2,960
Sonoma	\$2,180	\$0	\$2,180
Stanislaus	\$5,940	\$0	\$5,940
Sutter	\$690	\$0	\$690
Tehama	\$1,060	\$0	\$1,060
Trinity	\$90	\$0	\$90
Tulare	\$10,050	\$0	\$10,050
Tuolumne	\$170	\$0	\$170
Ventura	\$5,780	\$0	\$5,780
Yolo	\$940	\$0	\$940
Yuba	\$350	\$0	\$350
			\$212,490

## Qualified Expenditures

### Alameda

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$193,210	\$3,122	\$4,992	\$185,096

### Alpine

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$77	\$5	\$5	\$67

### Amador

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$1,353	\$99	\$165	\$1,089

### Butte

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$16,465	\$1,290	\$2,090	\$13,085

### Calaveras

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$2,031	\$193	\$319	\$1,519

### Colusa

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
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## County Summary 2020 for Public Advocates Inc.

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$1,216	\$49	\$84	\$1,083

### Contra Costa

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$82,133	\$2,187	\$3,552	\$76,394

### Del Norte

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$2,014	\$179	\$294	\$1,541

### El Dorado

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$6,703	\$485	\$788	\$5,430

### Fresno

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$86,420	\$6,954	\$11,265	\$68,201

### Glenn

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$1,908	\$163	\$270	\$1,475

### Humboldt

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$10,337	\$575	\$933	\$8,829

### Imperial

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$14,650	\$973	\$1,576	\$12,101

### Inyo

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$723	\$35	\$56	\$632

### Kern

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$71,161	\$4,825	\$7,847	\$58,489

### Kings

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$10,640	\$1,268	\$2,046	\$7,326

### Lake

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
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## County Summary 2020 for Public Advocates Inc.

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$5,130	\$402	\$653	\$4,075

### Lassen

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$1,136	\$175	\$279	\$682

### Los Angeles

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$638,287	\$21,638	\$35,068	\$581,581

### Madera

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$12,053	\$1,232	\$1,996	\$8,825

### Marin

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$14,764	\$174	\$279	\$14,311

### Mariposa

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$921	\$228	\$364	\$329

### Mendocino

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$6,244	\$366	\$603	\$5,275

### Modoc

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$558	\$79	\$130	\$349

### Mono

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$524	\$30	\$55	\$439

### Monterey

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$25,474	\$1,358	\$2,200	\$21,916

### Napa

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$9,300	\$284	\$449	\$8,567

### Nevada

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
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## County Summary 2020 for Public Advocates Inc.

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$4,419	\$324	\$524	\$3,571

### Orange

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$141,380	\$9,833	\$16,015	\$115,532

### Placer

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$11,110	\$748	\$1,222	\$9,140

### Plumas

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$925	\$69	\$109	\$747

### Riverside

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$135,866	\$12,832	\$20,765	\$102,269

### Sacramento

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$89,974	\$5,422	\$8,824	\$75,728

### San Benito

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$2,311	\$125	\$200	\$1,986

### San Bernardino

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$138,648	\$14,280	\$23,167	\$101,201

### San Diego

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$158,263	\$6,491	\$10,526	\$141,246

### San Francisco

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$70,608	\$515	\$838	\$69,255

### San Joaquin

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$46,047	\$5,246	\$8,506	\$32,295

### San Luis Obispo

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures

## County Summary 2020 for Public Advocates Inc.

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$13,078	\$1,010	\$1,622	\$10,446

### San Mateo

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$66,724	\$408	\$659	\$65,657

### Santa Barbara

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$24,219	\$1,361	\$2,206	\$20,652

### Santa Clara

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$122,754	\$1,423	\$2,310	\$119,021

### Santa Cruz

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$14,261	\$754	\$1,222	\$12,285

### Shasta

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$11,494	\$564	\$923	\$10,007

### Sierra

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$146	\$16	\$30	\$100

### Siskiyou

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$3,247	\$366	\$594	\$2,287

### Solano

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$35,913	\$1,129	\$1,841	\$32,943

### Sonoma

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$39,409	\$950	\$1,537	\$36,922

### Stanislaus

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$35,048	\$4,302	\$6,955	\$23,791

### Sutter

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures

## County Summary 2020 for Public Advocates Inc.

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$6,224	\$587	\$953	\$4,684

### Tehama

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$4,923	\$385	\$638	\$3,900

### Trinity

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$970	\$89	\$144	\$737

### Tulare

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$44,961	\$7,192	\$11,712	\$26,057

### Tuolumne

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$2,549	\$776	\$1,266	\$507

### Ventura

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$34,166	\$3,080	\$4,984	\$26,102

### Yolo

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$13,691	\$432	\$698	\$12,561

### Yuba

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$4,971	\$258	\$419	\$4,294

### Merced

County Expenditures (Fiscal year)	IOLTA Expenditures (Fiscal year)	EAF Expenditures (Fiscal year)	Qualified Expenditures
\$23,401	\$2,840	\$4,648	\$15,913

### County Totals

County Expenditures (Fiscal year)	IOLTA Expenditures (Previous calendar year)	EAF Expenditures (Previous calendar year)	Qualified Expenditures
2517132	132175	214415	2170542

## 2020 IOLTA/EAF Applicants and Grant Amounts

# Index	Program Number	Organization	Type	2020 IOLTA Grant Amount	2020 EAF Grant Amount
1	3	Advancing Justice - Asian Law Caucus	IOLTA/EAF LSP	\$551,870	\$233,540
2	4	Advancing Justice-Los Angeles	IOLTA/EAF LSP	\$1,901,010	\$804,460
3	160	Affordable Housing Advocates	IOLTA/EAF LSP	\$19,730	\$8,350
4	117	Aids Legal Referral Panel	IOLTA/EAF LSP	\$57,460	\$24,320
5	137	Alameda County Homeless Action Center	IOLTA/EAF LSP	\$260,300	\$110,150
6	140	Alliance for Children's Rights	IOLTA/EAF LSP	\$908,790	\$384,570
7	77	Asian Pacific Islander Legal Outreach	IOLTA/EAF LSP	\$353,740	\$149,700
8	93	Bay Area Legal Aid	IOLTA/EAF LSP	\$867,030	\$366,910
9	8	Bet Tzedek Legal Services	IOLTA/EAF LSP	\$1,459,470	\$617,610
10	129	California Advocates for Nursing Home Reform	IOLTA/EAF SC	\$378,962	\$160,367
11	9	California Indian Legal Services	IOLTA/EAF LSP	\$434,960	\$184,040
12	12	California Rural Legal Assistance Foundation	IOLTA/EAF SC	\$378,962	\$160,367
13	11	California Rural Legal Assistance, Inc.	IOLTA/EAF LSP	\$3,672,960	\$1,554,290
14	128	California Women's Law Center	IOLTA/EAF SC	\$378,962	\$160,367
15	163	Casa Cornelia Law Center	IOLTA/EAF LSP	\$525,160	\$222,230
16	242	Center for Gender and Refugee Studies - California	IOLTA/EAF SC	\$378,962	\$160,367
17	70	Center for Human Rights and Constitutional Law	IOLTA/EAF SC	\$378,962	\$160,367
18	29	Central California Legal Services	IOLTA/EAF LSP	\$2,186,210	\$925,150
19	16	Centro Legal de la Raza	IOLTA/EAF LSP	\$546,780	\$231,380
20	168	Chapman University Family Protection Clinic	IOLTA/EAF LSP	\$87,810	\$37,160
21	19	Child Care Law Center	IOLTA/EAF SC	\$378,962	\$160,367
22	20	Coalition of California Welfare Rights Organizations	IOLTA/EAF SC	\$378,962	\$160,367
23	45	Community Legal Aid SoCal	IOLTA/EAF LSP	\$1,553,020	\$657,200
24	164	Community Legal Services in East Palo Alto	IOLTA/EAF LSP	\$381,970	\$161,650
25	21	Contra Costa Senior Legal Services	IOLTA/EAF LSP	\$54,540	\$23,080
26	173	Dependency Advocacy Center	IOLTA/EAF LSP	\$192,420	\$81,430
27	82	Disability Rights California	IOLTA/EAF LSP	\$5,463,510	\$2,312,060
28	23	Disability Rights Education and Defense Fund	IOLTA/EAF SC	\$378,962	\$160,367
29	110	Disability Rights Legal Center	IOLTA/EAF LSP	\$376,990	\$159,520
30	118	East Bay Community Law Center	IOLTA/EAF LSP	\$305,710	\$129,370
31	98	Elder Law & Advocacy	IOLTA/EAF LSP	\$265,280	\$112,260
32	247	Eviction Defense Collaborative	IOLTA/EAF LSP	\$54,160	\$22,920
33	262	Family Legal Assistance at CHOC Children's	IOLTA/EAF LSP	\$34,000	\$14,390
34	182	Family Violence Appellate Project	IOLTA/EAF SC	\$378,962	\$160,367

# Index	Program Number	Organization	Type	2020 IOLTA Grant Amount	2020 EAF Grant Amount
35	28	Family Violence Law Center	IOLTA/EAF LSP	\$27,010	\$11,430
36	31	Greater Bakersfield Legal Assistance	IOLTA/EAF LSP	\$987,810	\$418,020
37	33	Harriett Buhai Center for Family Law	IOLTA/EAF LSP	\$306,230	\$129,590
38	263	HEART L.A.	IOLTA/EAF LSP	\$2,950	\$1,250
39	258	Housing and Economic Rights Advocates	IOLTA/EAF LSP	\$212,080	\$89,740
40	36	IELLA Legal Aid Project	IOLTA/EAF LSP	\$166,770	\$70,580
41	34	Immigrant Legal Resource Center	IOLTA/EAF SC	\$378,962	\$160,367
42	155	Impact Fund	IOLTA/EAF SC	\$378,962	\$160,367
43	35	Inland Counties Legal Services	IOLTA/EAF LSP	\$2,760,290	\$1,168,090
44	37	Inner City Law Center	IOLTA/EAF LSP	\$897,020	\$379,600
45	91	Justice & Diversity Center of the Bar Association of San Francisco	IOLTA/EAF LSP	\$262,680	\$111,170
46	76	Justice in Aging	IOLTA/EAF SC	\$378,962	\$160,367
47	39	La Raza Centro Legal	IOLTA/EAF LSP	\$69,290	\$29,300
48	61	LACBA Counsel for Justice	IOLTA/EAF LSP	\$227,620	\$96,320
49	96	Law Foundation of Silicon Valley	IOLTA/EAF LSP	\$507,380	\$214,710
50	92	Lawyers' Committee for Civil Rights	IOLTA/EAF LSP	\$286,670	\$121,320
51	169	Learning Rights Law Center	IOLTA/EAF LSP	\$397,630	\$168,260
52	1	Legal Access Alameda	IOLTA/EAF LSP	\$103,170	\$43,660
53	49	Legal Aid at Work	IOLTA/EAF LSP	\$721,460	\$305,310
54	41	Legal Aid Foundation of Los Angeles	IOLTA/EAF LSP	\$2,129,290	\$901,060
55	42	Legal Aid Foundation of Santa Barbara County	IOLTA/EAF LSP	\$168,640	\$71,360
56	44	Legal Aid of Marin	IOLTA/EAF LSP	\$93,220	\$39,450
57	127	Legal Aid of Sonoma County	IOLTA/EAF LSP	\$243,920	\$103,210
58	47	Legal Aid Society of San Bernardino	IOLTA/EAF LSP	\$730,570	\$309,160
59	48	Legal Aid Society of San Diego	IOLTA/EAF LSP	\$1,623,650	\$687,090
60	50	Legal Aid Society of San Mateo County	IOLTA/EAF LSP	\$125,120	\$52,950
61	53	Legal Assistance for Seniors	IOLTA/EAF LSP	\$52,360	\$22,160
62	54	Legal Assistance to the Elderly	IOLTA/EAF LSP	\$30,700	\$12,990
63	57	Legal Services for Children	IOLTA/EAF LSP	\$137,490	\$58,180
64	125	Legal Services for Prisoners with Children	IOLTA/EAF SC	\$378,962	\$160,367
65	58	Legal Services for Seniors	IOLTA/EAF LSP	\$216,200	\$91,490
66	59	Legal Services of Northern California	IOLTA/EAF LSP	\$2,230,900	\$944,060
67	60	Los Angeles Center for Law and Justice	IOLTA/EAF LSP	\$303,530	\$128,440
68	63	McGeorge Community Legal Services	IOLTA/EAF LSP	\$222,840	\$94,300

# Index	Program Number	Organization	Type	2020 IOLTA Grant Amount	2020 EAF Grant Amount
69	65	Mental Health Advocacy Services	IOLTA/EAF LSP	\$113,570	\$48,060
70	71	National Center for Youth Law	IOLTA/EAF SC	\$378,962	\$160,367
71	73	National Health Law Program	IOLTA/EAF SC	\$378,962	\$160,367
72	74	National Housing Law Project	IOLTA/EAF SC	\$378,962	\$160,367
73	148	National Immigration Law Center	IOLTA/EAF SC	\$378,962	\$160,367
74	90	Neighborhood Legal Services	IOLTA/EAF LSP	\$1,649,080	\$697,850
75	176	New American Legal Clinic	IOLTA/EAF LSP	\$120,190	\$50,870
76	85	OneJustice	IOLTA/EAF SC	\$378,962	\$160,367
77	80	Prison Law Office	IOLTA/EAF LSP	\$632,540	\$267,680
78	83	Public Advocates Inc.	IOLTA/EAF LSP	\$502,010	\$212,490
79	84	Public Counsel	IOLTA/EAF LSP	\$2,142,840	\$906,800
80	152	Public Interest Law Project	IOLTA/EAF SC	\$378,962	\$160,367
81	2	Public Law Center	IOLTA/EAF LSP	\$1,166,120	\$493,460
82	86	Riverside Legal Aid	IOLTA/EAF LSP	\$382,630	\$161,920
83	89	San Diego Volunteer Lawyer Program	IOLTA/EAF LSP	\$381,820	\$161,570
84	250	San Luis Obispo Legal Assistance Foundation	IOLTA/EAF LSP	\$48,530	\$20,540
85	95	Santa Clara County Asian Law Alliance	IOLTA/EAF LSP	\$132,360	\$56,010
86	149	Santa Clara University Alexander Law Center	IOLTA/EAF LSP	\$65,080	\$27,540
87	97	Senior Adults Legal Assistance	IOLTA/EAF LSP	\$44,180	\$18,700
88	259	Senior Advocacy Network	IOLTA/EAF LSP	\$100,980	\$42,730
89	106	UC Davis School of Law Legal Clinics	IOLTA/EAF LSP	\$267,780	\$113,320
90	107	USD School of Law Legal Clinics	IOLTA/EAF LSP	\$220,090	\$93,140
91	108	Voluntary Legal Services Program of Northern California	IOLTA/EAF LSP	\$265,560	\$112,380
92	171	Wage Justice Center	IOLTA/EAF LSP	\$84,320	\$35,680
93	170	Watsonville Law Center	IOLTA/EAF LSP	\$129,120	\$54,640
94	109	Western Center on Law and Poverty	IOLTA/EAF SC	\$378,962	\$160,367
95	165	Worksafe, Inc.	IOLTA/EAF SC	\$378,962	\$160,367
96	113	Youth Law Center	IOLTA/EAF SC	\$378,962	\$160,367
97	114	Yuba-Sutter Legal Center for Seniors	IOLTA/EAF LSP	\$35,700	\$15,110
				<b>\$55,581,034</b>	<b>\$23,520,554</b>

## LEGAL SERVICES TRUST FUND PROGRAM

### GUIDELINES FOR PURCHASES OF REAL PROPERTY

(Adopted by the State Bar Board of Governors, April 5, 1986)

#### PREAMBLE

The Commission recognizes that under certain conditions the purchase of real property can be an effective means to support continued high-quality civil legal representation of indigent persons. Funds disbursed pursuant to the Trust Fund Program, however, are to be used primarily as ongoing, operating funds and not as an endowment. Recipients contemplating using funds to purchase real property must demonstrate to the Commission that the proposed acquisition will enhance the operating ability of the Recipient. Real property purchased solely for investment purposes, regardless of the value of the investment, does not constitute an appropriate use of a Grant. Apart from its investment benefits, a real property purchase should provide some benefit to Program operations, such as reduced occupancy costs, consolidation or continuity of office locations, or access to a unique space otherwise unavailable.

#### I. Limitations on Use of Grant Funds to Purchase Real Property.

- A. An Expenditure (as defined below) of Grant Funds in a Grant Year for costs associated with the purchase of real property that exceeds annual fair market rental costs for property similar in size, location and improvements will be approved only if the Expenditure will allow a Recipient either:
  - 1. To obtain long-term occupancy costs that are less than fair market rental costs for property similar in size, location and improvements; or
  - 2. To obtain long-term occupancy costs that are less than fair market rental costs for property reasonably suited to Recipient's program, even if long-term occupancy costs are greater than fair market rental costs for property similar in size, location and improvements, if the Expenditure will allow the Recipient:
    - a. To consolidate office location or permit continued occupancy after expiration of a lease; or
    - b. To provide access to a unique space otherwise unavailable.

Even if one of the above factors (1) or (2) is present, the Commission may refuse to fund the proposed Expenditure if the Commission finds that the proposed Expenditure would not be in accordance with the Act.

- B. No Expenditure shall be approved for a purchase of real property if the purchase price exceeds fair market value for that property.
- C. No Expenditure shall be approved, even if in technical compliance with these Guidelines, if the Expenditure is designed or intended to evade the purpose of these Guidelines to ensure that all Grant Funds are used in accordance with the Act.
- D. These Guidelines shall not apply to Grant Funds that are being used for debt service or similar payments for real property (1) that the Recipient purchased or received as a gift

prior to November 22, 1985, or (2) the purchase of which was approved five or more years prior to the Grant Year for which the Grant Funds are to be allocated.

- E. These Guidelines shall not apply to Grant Funds used for costs associated with real property if the costs are being incurred in accordance with a Budget previously approved by the Commission.
  - F. The Commission may deny approval of Expenditures that would otherwise be permissible if the Commission finds that the Expenditure would conflict with the Act because of plans (1) to purchase real property jointly with or to lease real property to other persons or entities, or (2) to allow programs of the Recipient not qualified to receive Grant Funds to use the real property.
- II. "Expenditure" defined: An expenditure for costs associated with the purchase of real property, including but not limited to:
- A. Down payment;
  - B. Non-refundable deposits in excess of \$1,000;
  - C. Purchase option costs;
  - D. Architectural, engineering and permit expenses;
  - E. Construction and renovation costs (except, in the case of tenant improvements paid for by a Recipient, costs that will be repaid by tenants of the Recipient) that would be treated as capital costs in accordance with generally accepted accounting principles;
  - F. Purchase price payment;
  - G. Closing costs (including transfer taxes, title costs, loan origination fees, brokerage costs, finders' fees and escrow fees);
  - H. Payments made on leases, investment contracts, to purchase securities, etc., that would constitute a transfer of ownership under Article XIII A of the California Constitution or that would otherwise constitute a transfer of beneficial ownership under California law;
  - I. Debt service payments;
  - J. Purchases of membership shares in a real estate cooperative corporation;
  - K. Insurance payments in excess of insurance payments that would have been made if the Recipient were a lessee of the real property.

No expenditures will be considered to be associated with the purchase of real property, even if the expenditure is of a type described above, if the expenditure, aggregated with all other expenditures associated with the purchase of real property made in the Grant Year, does not exceed the lesser of \$5,000 or 5% of the Grant that the Recipient receives in that Grant Year.

- III. "Long-term occupancy costs" ordinarily shall be measured over a period of five years unless the Recipient shows good cause for selecting a different time period. The calculation of long-term occupancy costs shall include the actual interest or other costs incurred by the Recipient for any down payment or similar payment. If such payments are made with funds, including Grant Funds, available to the Recipient without cost, no interest, lost opportunity or other cost shall be imputed to calculate long-term occupancy costs.



- IV. Budget Approval Procedure: A Recipient may propose to make an Expenditure in the Recipient's initial proposed Budget or in any amended or supplemental Budget. A Recipient proposing to make an Expenditure must submit the following information in addition to any information required by the Budget Materials or the Guidelines:

A. Information pertaining to cost:

1. Preliminary title report, including legal description of property, dated within 90 days before the date of submission of the Proposed Budget.
2. Description of the current use and condition of the property, including size, location, rental income, utility costs, owner, tenants, and, if reasonably available, current financing arrangements and date and price of most recent previous sale.
3. Purchase terms, including copies of relevant purchase or option agreements and all collateral documentation available at the time of the submission.
4. Estimated fair market value of the property, including at least one written appraisal made by an appraiser with the qualifications described in (8), below. Copies of all appraisals of the real property to be purchased or of comparable property (whether for lease or sale) that are or have been available to the Recipient shall be submitted to the Commission staff.
5. Estimated cost of proposed improvements.
6. Estimated occupancy costs, including, but not limited to, actual interest costs for down payment (if any), debt service, taxes, utilities, insurance, maintenance and contributions for a reserve for extraordinary expenses (e.g., roof or boiler replacement). Economic assumptions, such as the interest rate (if the Recipient will be repaying a variable rate loan) or potential rental income (if the Recipient will be leasing a portion of the real property) shall be stated. Occupancy costs should be stated in absolute terms and per net rentable square foot, and should be estimated for five years after the anticipated closing date.
7. Estimated fair market rental costs of properties similar in size, location and improvements. Include estimated rent in absolute terms and per net rentable square foot, term of lease upon which estimate is based, and additional costs that lease would impose on tenant (e.g., taxes, maintenance, insurance). Estimates should cover the five year period after the anticipated closing date.
8. Identify and describe the qualifications of the experts upon whom the Recipient has relied to evaluate: fair market value; comparable property values in the purchase and lease market; the condition of the property proposed for purchase; and the cost of repairs and improvements. Identify any brokers or finders with whom the Recipient has consulted and (a) who will receive any consideration from the transaction or (b) who have a financial interest in the real property being purchased. At least one appraiser of market value of the property being purchased and of comparable market values shall be a member of the American Institute of Real Estate Appraisers or shall have had at least 5 years of continuous experience, immediately prior to the date of the appraisal, of appraising similar property within the same county as the property to be purchased, for savings banks, commercial banks or trust companies, insurance companies, savings and loan associations, or similar financial institutions that have a net worth of not less than \$20,000,000 or assets of not less than \$100,000,000.

9. Any other information that the Commission staff or the Recipient believes is relevant to determining the long-term occupancy costs of the property or fair market rental costs of similar property, or to ascertaining whether the proposed Expenditures will be in accordance with the Act.

B. Information pertaining to shared ownership or use:

1. Plans to share space with other programs of Recipient.
2. Plans to share ownership or occupancy of the real property with other persons or entities.

C. Board comments:

1. Those portions of the minutes of the meetings of the Recipient's Board of Directors that pertain to the Expenditure or the purchase of the real property.

D. Interested transactions:

1. Any factor that would indicate that the Expenditure might entail an interested transaction as described in Section VI below. This disclosure should include de minimis interests, even if not prohibited by these Guidelines.
2. Any relationship between the Recipient, any employee (as defined in Section VI below) or any seller of the real property and any agent, broker or similar representative of either the Recipient or the seller.

V. Special Criteria. If projected five-year occupancy costs will not be less than fair market rental costs for real property similar in size, location and improvements, the Recipient shall submit the following information in addition to any other information required by these Guidelines:

A. Suitability criteria:

1. Description of planned use of the space and its suitability for current and anticipated future Recipient needs.

B. Time period to justify Expenditure:

1. An estimate of the time period, if any, over which occupancy costs would be less than fair market rental costs for property similar in size, location and improvements, the bases of that estimate, and the factors supporting use of that time rather than 5 years as a reasonable period in which to evaluate the economic merits of the proposed purchase.

C. Other special factors:

1. Any plan to use the purchased space to consolidate the Recipient's office sites.
2. If purchasing space currently leased by the Recipient, evidence demonstrating the unavailability of a suitable renewal lease or reasons why purchase is preferable to lease renewal.
3. Factors that make the property a unique space unavailable except through the proposed purchase.

VI. Interested Transactions Prohibited: A Recipient may not engage in an Interested Transaction.

A. The following transactions are considered Interested Transactions:

An Expenditure associated with the purchase of real property from, or the sale of real property acquired (in whole or in part) with Grant Funds to:

1. Any person who, within 24 months of the date of the Budget proposing the Expenditure or the date of the sale, as the case may be, was in any way compensated by the Recipient, in the aggregate in excess of \$5,000, as a staff member, temporary worker, consultant, subcontractor or other service provider, or who, within that 24 month period was a creditor of the Recipient for an amount in excess of \$5,000 or who is a member of the Family of any person described above;
2. Any member of the Recipient's governing board, any person who was a member of that board within 24 months of the date of Budget proposing the Expenditure or the date of the sale, as the case may be, or any member of the Family of any of those board members, unless the Recipient clearly demonstrates that the Expenditure or sale is in the best interests of Recipient's program of providing civil legal assistance to indigent persons.
3. An entity in which a person, whose involvement in the transaction would cause the transaction to be an Interested Transaction, has an ownership, equity or control interest, unless the Commission determines that the interest is de minimis.

B. "Family" members shall mean persons with the following relationships: issue or ancestors, siblings or their issue (including, in all of the previous categories, adopted persons), aunts or uncles or their issue, a spouse or the parents or siblings of a spouse.

VII. Security Interest and Related Issues: The Commission will not approve an expenditure for a Recipient to purchase real property unless the Recipient has made adequate provisions for ensuring that the proceeds from any transfer of any of the Recipient's interest in the real property will be used in accordance with the Act. The Commission also will not approve an Expenditure if the Commission reasonably finds that the Recipient is unlikely to be able to pay occupancy and ownership costs for the real property.

The "proceeds from any transfer of any of the Recipient's interest in the real property" shall include, but not be limited to, sale, insurance, liquidation, condemnation, lease or refinancing proceeds, but shall not include any proceeds in excess of the aggregate amount of Grant Funds actually spent by the Recipient as Expenditures for the real property being transferred.

To help the Commission determine whether an expenditure will be used in accordance with the Act, the Recipient must submit the following information:

A. Security interest. A memorandum of counsel to the Recipient explaining, in detail, the procedures that will be taken to ensure that the proceeds of any transfer of any of the Recipient's interest in the real property will be used as required by the Act and in accordance with these Guidelines. In most cases the Recipient will provide the State Bar with a deed of trust to the real property during the Amortization Period (as defined below) to secure these obligations. The Recipient and its counsel should be prepared to meet with the Commission staff and to supply the staff with supplemental information and agreements to satisfy the obligations to use Grant Funds properly. The Commission staff is hereby authorized, absent Commission directions to the contrary, at the Recipient's request to renegotiate, amend, or release any security documents, or subordinate any security

interest, on behalf of the State Bar to permit the Recipient to refinance, sell, or otherwise transfer any interest of the Recipient in the real property.

- B. Credit Evaluation. Copies of all credit reports on the Recipient or any co-venturer of the Recipient that are provided to any seller or financier of the real property or, if no such reports have been provided, then a copy of a credit report on the Recipient and any co-venturer in form reasonably satisfactory to the staff.

- VIII. Disposition: At the time of any approval by the Commission of an expenditure, the Commission shall designate an Amortization Period for the Expenditure. The Amortization Period ordinarily will be 5 years or the period of time over which aggregate occupancy costs for the purchased property no longer exceed aggregate occupancy costs for similar leased property. Special circumstances, however, may cause the Commission to select a different Amortization Period.

The proceeds of any transfer of any of the Recipient's interest in the real property that is made during the Amortization Period will be treated by the Recipient as if such proceeds were Grant Funds received by the Recipient in the year of the transfer, provided, however, that the Recipient may carry over unspent proceeds for use in any of the 4 Grant Years immediately following the year of the transfer and, as described in Section VII above, this restriction shall apply only to the amount of proceeds equal to the aggregate of all Grant Funds spent by the Recipient as Expenditures for the real property being transferred. Proceeds of such transfers occurring after the Amortization Period expires will not be considered Grant Funds.

## LEGAL SERVICES TRUST FUND PROGRAM

### Management of Tangible Personal Property

- I. Scope: These policies apply to tangible personal property that has:
  - a. A purchase price exceeding \$1,000 and a useful life of more than one year; or
  - b. An annual lease rate exceeding \$1,000 and a lease term of more than one year.

Tangible personal property satisfying either condition a. or b. above is referred to as "Tangible Personal Property" in these policies. These policies do not apply to tangible personal property that does not meet either the criteria set forth in a. or b. above.

The terms "acquire" or "acquisition" refer in these policies to purchases or leases with a term in excess of one year. The term "acquisition cost" refer in these policies to the total purchase price or the annual lease payments.

2. Acquisition Procedures: Recipients must adhere to the following procedures when purchasing or leasing Tangible Personal Property:
  - a. Tangible Personal Property with a per item acquisition cost of less than \$2,000 may be made by Recipient by any reasonable procedure;
  - b. Recipients should obtain telephone or written quotations before acquiring Tangible Personal Property with an acquisition cost between and including \$2,000 and \$5,000. A record of the quotations received should be filed with Recipient's financial records and should be available for audit purposes;
  - c. Recipients should prepare written solicitations for bids when acquiring Tangible Personal Property with an acquisition cost in excess of \$5,000. If feasible, Recipients should obtain at least three written quotations for the cost of the Tangible Personal Property to be acquired. If Recipient determines that special circumstances, such as compatibility with existing equipment or lack of dependable alternative vendors, require Recipient to acquire the Tangible Personal Property from a single source, Recipient need not solicit bids. Recipients should prepare and submit to the Director of the Legal Services Trust Fund Program (Director) an estimate of the useful life of the Tangible Personal Property, including the information used in making the estimate. All solicitation material and responses must be filed with Recipient's financial records and made available for audit

purposes. If written solicitations are not prepared, Recipient should record and make available in a similar manner, the reasons for not utilizing the written solicitation process.

As soon as Recipient plans to acquire Tangible Personal Property with an acquisition cost in excess of \$5,000 without bidding, Recipient should inform the Director of the planned acquisition and the reasons for not using the solicitation process;

- d. Recipient should maintain accurate documentation, such as purchase orders or vendor's invoices, of all acquisitions of Tangible Personal Property;
  - e. Prior to purchasing any item of Tangible Personal Property, Recipient shall prepare and submit to the State Bar of California (SBC) those documents the Trust Fund Commission has requested as part of the budget approval process to secure the SBC's interest in the Tangible Personal Property. The SBC will take reasonable measures to accommodate Recipients and other funding or financing sources when Recipient commingles Grant Funds with other financing sources to purchase items of Tangible Personal Property.
3. General Guidelines: Recipients must observe these general guidelines when acquiring Tangible Personal Property:
- a. The acquisition should be an efficient use of the Grant. The SBC recognizes that price is only one of the several factors that must be weighed when deciding from whom to acquire Tangible Personal Property. The requirements to obtain telephone or written bids do not mandate that Recipients patronize only the cheapest sources of Tangible Personal Property;
  - b. In acquisitions of Tangible Personal Property, no recipient shall discriminate against any vendor because of the race, creed, religion, color, national origin, or sex of such vendor. As used in this policy, "vendor" includes any person, firm, association, organization, partnership, business trust, corporation or company. Recipients are encouraged to seek out and use minority, women and small business vendors.
4. Inventory Control: Recipients must observe the following inventory control procedures:
- a. An inventory control tag should be attached to each item of Tangible Personal Property purchased with Grant Funds. These tags should be consecutively numbered and each number accounted for, unless

Recipient has a reasonable alternative numbering system;

- b. A record of each item of Tangible Personal Property must be filed with Recipient's financial records. This record should describe the Tangible Personal Property, its acquisition cost and date, the vendor from whom it was acquired and its date and method of disposition.
5. Disposal of Tangible Personal Property: The SBC retains a residual interest in any Tangible Personal Property no longer used by Recipients and in the proceeds from any disposition by Recipients of Tangible Personal Property. The Director should be informed when Tangible Personal Property has been disposed of. Recipients may dispose of surplus or unusable Tangible Personal Property by the following methods:
  - a. Recipients may transfer the Tangible Personal Property to another Recipient to be used to provide civil legal assistance to indigent persons in the same county for which the Recipient disposing of the property received the Grant to acquire the Tangible Personal Property. Recipients should obtain a transfer letter from the donee that describes the Tangible Personal Property. The donee Recipient will be bound to observe these policies as if donee Recipient acquired the Tangible Personal Property with Grant Funds.
  - b. Recipients may sell the Tangible Personal Property at fair market value. Recipients may use any reasonable method, including without limitation, advertising and sale to the highest bidder or sale price based on published industry price reports, to determine fair market value;
  - c. Tangible Personal Property that cannot be sold or donated may be destroyed or disposed of through a commercial disposal agency;
6. Sale Proceeds: Proceeds from the sale or disposition of Tangible Personal Property will be treated by Recipients as if such proceeds were Grant Funds. Recipients should account for receipt and use of such proceeds through separate line items on their Financial Statements;
7. Release of Secured Interest: The SBC will cooperate with Recipient to release any SBC secured interest against Tangible Personal Property. The SBC reserves the right to place reasonable restrictions on Recipients in connection with the SBC's agreement to release of any SBC interest.



**MUFG UNION BANK, N.A.**  
Commercial Credit Services Group  
18300 Von Karman Avenue, 1<sup>st</sup> Floor  
Irvine, CA 92612

June 28, 2019

California Rural Legal Assistance, Inc  
1430 Franklin Street, #103  
Oakland, CA 94612

Re: Proposed \$1,330,000.00 loan (the "Loan") secured by property located at 1428-1432 Franklin Street, Oakland, CA 94612.

Ladies and Gentlemen:

In consideration of delivery by Bank to California Rural Legal Assistance, Inc., a California non-profit corporation of the amortization schedule, California Rural Legal Assistance, Inc., a California non-profit corporation agrees to indemnify and hold Bank, harmless against and from any and all loss, damage, liability, claim, demand, action, cost or expense, with respect to the accuracy of such amortization schedule.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cheryl Schult', written over a horizontal line.

Cheryl Schult  
Vice President



Customer Name	<b>CALIFORNIA RURAL LEGAL ASSIST</b>		
Loan Amount	<b>\$1,330,000.00</b>	Date of Loan	<b>March 1, 2014</b>
Interest Rate	<b>5.680%</b>	Term/No Months	<b>240</b>
Payment Amount	<b>\$9,284.64</b>	1st Due Date	<b>April 1, 2014</b>
No of Payments	<b>240</b>	Maturity Date	<b>March 1, 2034</b>
Pay Frequency	<b>Monthly</b>		
Payment Type	<b>: Fixed Payment/(Prin &amp; Int)</b>		
Accrual Basis	<b>: 30 Day Month/360 Day Year</b>		

**NOTICE:** This amortization schedule is not intended for use in the calculation of exact payoff amounts. It will only provide an approximation of unpaid balances as it assumes that all payments will be made exactly on the stated due dates and in the exact amount of each stated payment. It will not reflect variances caused by any actual payments being made on any dates other than the stated due dates and/or for any amounts other than the stated payment amounts. Furthermore, the calculations used to create this amortization schedule may contain minor rounding differences with the Bank's loan accounting system which may also cause variances to occur.

PAY#	DATE DUE	PAYMENT AMT	INT PORTION	PRIN PORTION	LOAN BALANCE
Amount of Loan = \$ 1,330,000.00					
1	Apr. 1, 2014	\$ 9,284.64	\$ 6,295.33	\$ 2,989.31	1,327,010.69
2	May 1, 2014	9,284.64	6,281.18	3,003.46	1,324,007.23
3	June 1, 2014	9,284.64	6,266.97	3,017.67	1,320,989.56
4	July 1, 2014	9,284.64	6,252.68	3,031.96	1,317,957.60
5	Aug. 1, 2014	9,284.64	6,238.33	3,046.31	1,314,911.29
6	Sep. 1, 2014	9,284.64	6,223.91	3,060.73	1,311,850.56
7	Oct. 1, 2014	9,284.64	6,209.43	3,075.21	1,308,775.35
8	Nov. 1, 2014	9,284.64	6,194.87	3,089.77	1,305,685.58
9	Dec. 1, 2014	9,284.64	6,180.25	3,104.39	1,302,581.19
<b>TOTALS FOR YEAR- 2014</b>		<b>\$ 83,561.76</b>	<b>\$ 56,142.95</b>	<b>\$ 27,418.81</b>	<b>\$ 1,302,581.19</b>
10	Jan. 1, 2015	\$ 9,284.64	\$ 6,165.55	\$ 3,119.09	1,299,462.10
11	Feb. 1, 2015	9,284.64	6,150.79	3,133.85	1,296,328.25
12	Mar. 1, 2015	9,284.64	6,135.95	3,148.69	1,293,179.56
13	Apr. 1, 2015	9,284.64	6,121.05	3,163.59	1,290,015.97
14	May 1, 2015	9,284.64	6,106.08	3,178.56	1,286,837.41
15	June 1, 2015	9,284.64	6,091.03	3,193.61	1,283,643.80
16	July 1, 2015	9,284.64	6,075.91	3,208.73	1,280,435.07
17	Aug. 1, 2015	9,284.64	6,060.73	3,223.91	1,277,211.16
18	Sep. 1, 2015	9,284.64	6,045.47	3,239.17	1,273,971.99
19	Oct. 1, 2015	9,284.64	6,030.13	3,254.51	1,270,717.48
20	Nov. 1, 2015	9,284.64	6,014.73	3,269.91	1,267,447.57
21	Dec. 1, 2015	9,284.64	5,999.25	3,285.39	1,264,162.18
<b>TOTALS FOR YEAR - 2015</b>		<b>\$ 111,415.68</b>	<b>\$ 72,996.67</b>	<b>\$ 38,419.01</b>	<b>\$ 1,264,162.18</b>
22	Jan. 1, 2016	\$ 9,284.64	\$ 5,983.70	\$ 3,300.94	1,260,861.24
23	Feb. 1, 2016	9,284.64	5,968.08	3,316.56	1,257,544.68
24	Mar. 1, 2016	9,284.64	5,952.38	3,332.26	1,254,212.42
25	Apr. 1, 2016	9,284.64	5,936.61	3,348.03	1,250,864.39
26	May 1, 2016	9,284.64	5,920.76	3,363.88	1,247,500.51
27	June 1, 2016	9,284.64	5,904.84	3,379.80	1,244,120.71

28	July 1, 2016	9,284.64	5,888.84	3,395.80	1,240,724.91
29	Aug. 1, 2016	9,284.64	5,872.76	3,411.88	1,237,313.03
30	Sep. 1, 2016	9,284.64	5,856.62	3,428.02	1,233,885.01
31	Oct. 1, 2016	9,284.64	5,840.39	3,444.25	1,230,440.76
32	Nov. 1, 2016	9,284.64	5,824.09	3,460.55	1,226,980.21
33	Dec. 1, 2016	9,284.64	5,807.71	3,476.93	1,223,503.28
<b>TOTALS FOR YEAR - 2016</b>		<b>\$ 111,415.68</b>	<b>\$ 70,756.78</b>	<b>\$ 40,658.90</b>	<b>\$ 1,223,503.28</b>
34	Jan. 1, 2017	\$ 9,284.64	\$ 5,791.25	\$ 3,493.39	1,220,009.89
35	Feb. 1, 2017	9,284.64	5,774.71	3,509.93	1,216,499.96
36	Mar. 1, 2017	9,284.64	5,758.10	3,526.54	1,212,973.42
37	Apr. 1, 2017	9,284.64	5,741.41	3,543.23	1,209,430.19
38	May 1, 2017	9,284.64	5,724.64	3,560.00	1,205,870.19
39	June 1, 2017	9,284.64	5,707.79	3,576.85	1,202,293.34
40	July 1, 2017	9,284.64	5,690.86	3,593.78	1,198,699.56
41	Aug. 1, 2017	9,284.64	5,673.84	3,610.80	1,195,088.76
42	Sep. 1, 2017	9,284.64	5,656.75	3,627.89	1,191,460.87
43	Oct. 1, 2017	9,284.64	5,639.58	3,645.06	1,187,815.81
44	Nov. 1, 2017	9,284.64	5,622.33	3,662.31	1,184,153.50
45	Dec. 1, 2017	9,284.64	5,604.99	3,679.65	1,180,473.85
<b>TOTALS FOR YEAR- 2017</b>		<b>\$ 111,415.68</b>	<b>\$ 68,386.25</b>	<b>\$ 43,029.43</b>	<b>\$ 1,180,473.85</b>
46	Jan. 1, 2018	\$ 9,284.64	\$ 5,587.58	\$ 3,697.06	1,176,776.79
47	Feb. 1, 2018	9,284.64	5,570.08	3,714.56	1,173,062.23
48	Mar. 1, 2018	9,284.64	5,552.49	3,732.15	1,169,330.08
49	Apr. 1, 2018	9,284.64	5,534.83	3,749.81	1,165,580.27
50	May 1, 2018	9,284.64	5,517.08	3,767.56	1,161,812.71
51	June 1, 2018	9,284.64	5,499.25	3,785.39	1,158,027.32
52	July 1, 2018	9,284.64	5,481.33	3,803.31	1,154,224.01
53	Aug. 1, 2018	9,284.64	5,463.33	3,821.31	1,150,402.70
54	Sep. 1, 2018	9,284.64	5,445.24	3,839.40	1,146,563.30
55	Oct. 1, 2018	9,284.64	5,427.07	3,857.57	1,142,705.73
56	Nov. 1, 2018	9,284.64	5,408.81	3,875.83	1,138,829.90
57	Dec. 1, 2018	9,284.64	5,390.46	3,894.18	1,134,935.72
<b>TOTALS FOR YEAR- 2018</b>		<b>\$ 111,415.68</b>	<b>\$ 65,877.55</b>	<b>\$ 45,538.13</b>	<b>\$ 1,134,935.72</b>
58	Jan. 1, 2019	\$ 9,284.64	\$ 5,372.03	\$ 3,912.61	1,131,023.11
59	Feb. 1, 2019	9,284.64	5,353.51	3,931.13	1,127,091.98
60	Mar. 1, 2019	9,284.64	5,334.90	3,949.74	1,123,142.24
61	Apr. 1, 2019	9,284.64	5,316.21	3,968.43	1,119,173.81
62	May 1, 2019	9,284.64	5,297.42	3,987.22	1,115,186.59
63	June 1, 2019	9,284.64	5,278.55	4,006.09	1,111,180.50
64	July 1, 2019	9,284.64	5,259.59	4,025.05	1,107,155.45
65	Aug. 1, 2019	9,284.64	5,240.54	4,044.10	1,103,111.35
66	Sep. 1, 2019	9,284.64	5,221.39	4,063.25	1,099,048.10
67	Oct. 1, 2019	9,284.64	5,202.16	4,082.48	1,094,965.62
68	Nov. 1, 2019	9,284.64	5,182.84	4,101.80	1,090,863.82
69	Dec. 1, 2019	9,284.64	5,163.42	4,121.22	1,086,742.60
<b>TOTALS FOR YEAR- 2019</b>		<b>\$ 111,415.68</b>	<b>\$ 63,222.56</b>	<b>\$ 48,193.12</b>	<b>\$ 1,086,742.60</b>
70	Jan. 1, 2020	\$ 9,284.64	\$ 5,143.91	\$ 4,140.73	1,082,601.87
71	Feb. 1, 2020	9,284.64	5,124.32	4,160.32	1,078,441.55

72	Mar. 1, 2020	9,284.64	5,104.62	4,180.02	1,074,261.53
73	Apr. 1, 2020	9,284.64	5,084.84	4,199.80	1,070,061.73
74	May 1, 2020	9,284.64	5,064.96	4,219.68	1,065,842.05
75	June 1, 2020	9,284.64	5,044.99	4,239.65	1,061,602.40
76	July 1, 2020	9,284.64	5,024.92	4,259.72	1,057,342.68
77	Aug. 1, 2020	9,284.64	5,004.76	4,279.88	1,053,062.80
78	Sep. 1, 2020	9,284.64	4,984.50	4,300.14	1,048,762.66
79	Oct. 1, 2020	9,284.64	4,964.14	4,320.50	1,044,442.16
80	Nov. 1, 2020	9,284.64	4,943.69	4,340.95	1,040,101.21
81	Dec. 1, 2020	9,284.64	4,923.15	4,361.49	1,035,739.72
<b>TOTALS FOR YEAR - 2020</b>		<b>\$ 111,415.68</b>	<b>\$ 60,412.80</b>	<b>\$ 51,002.88</b>	<b>\$ 1,035,739.72</b>
82	Jan. 1, 2021	\$ 9,284.64	\$ 4,902.50	\$ 4,382.14	1,031,357.58
83	Feb. 1, 2021	9,284.64	4,881.76	4,402.88	1,026,954.70
84	Mar. 1, 2021	9,284.64	4,860.92	4,423.72	1,022,530.98
85	Apr. 1, 2021	9,284.64	4,839.98	4,444.66	1,018,086.32
86	May 1, 2021	9,284.64	4,818.94	4,465.70	1,013,620.62
87	June 1, 2021	9,284.64	4,797.80	4,486.84	1,009,133.78
88	July 1, 2021	9,284.64	4,776.57	4,508.07	1,004,625.71
89	Aug. 1, 2021	9,284.64	4,755.23	4,529.41	1,000,096.30
90	Sep. 1, 2021	9,284.64	4,733.79	4,550.85	995,545.45
91	Oct. 1, 2021	9,284.64	4,712.25	4,572.39	990,973.06
92	Nov. 1, 2021	9,284.64	4,690.61	4,594.03	986,379.03
93	Dec. 1, 2021	9,284.64	4,668.86	4,615.78	981,763.25
<b>TOTALS FOR YEAR - 2021</b>		<b>\$ 111,415.68</b>	<b>\$ 57,439.21</b>	<b>\$ 53,976.47</b>	<b>\$ 981,763.25</b>
94	Jan. 1, 2022	\$ 9,284.64	\$ 4,647.01	\$ 4,637.63	977,125.62
95	Feb. 1, 2022	9,284.64	4,625.06	4,659.58	972,466.04
96	Mar. 1, 2022	9,284.64	4,603.01	4,681.63	967,784.41
97	Apr. 1, 2022	9,284.64	4,580.85	4,703.79	963,080.62
98	May 1, 2022	9,284.64	4,558.58	4,726.06	958,354.56
99	June 1, 2022	9,284.64	4,536.21	4,748.43	953,606.13
100	July 1, 2022	9,284.64	4,513.74	4,770.90	948,835.23
101	Aug. 1, 2022	9,284.64	4,491.15	4,793.49	944,041.74
102	Sep. 1, 2022	9,284.64	4,468.46	4,816.18	939,225.56
103	Oct. 1, 2022	9,284.64	4,445.67	4,838.97	934,386.59
104	Nov. 1, 2022	9,284.64	4,422.76	4,861.88	929,524.71
105	Dec. 1, 2022	9,284.64	4,399.75	4,884.89	924,639.82
<b>TOTALS FOR YEAR - 2022</b>		<b>\$ 111,415.68</b>	<b>\$ 54,292.25</b>	<b>\$ 57,123.43</b>	<b>\$ 924,639.82</b>
106	Jan. 1, 2023	\$ 9,284.64	\$ 4,376.63	\$ 4,908.01	919,731.81
107	Feb. 1, 2023	9,284.64	4,353.40	4,931.24	914,800.57
108	Mar. 1, 2023	9,284.64	4,330.06	4,954.58	909,845.99
109	Apr. 1, 2023	9,284.64	4,306.60	4,978.04	904,867.95
110	May 1, 2023	9,284.64	4,283.04	5,001.60	899,866.35
111	June 1, 2023	9,284.64	4,259.37	5,025.27	894,841.08
112	July 1, 2023	9,284.64	4,235.58	5,049.06	889,792.02
113	Aug. 1, 2023	9,284.64	4,211.68	5,072.96	884,719.06
114	Sep. 1, 2023	9,284.64	4,187.67	5,096.97	879,622.09
115	Oct. 1, 2023	9,284.64	4,163.54	5,121.10	874,500.99
116	Nov. 1, 2023	9,284.64	4,139.30	5,145.34	869,355.65
117	Dec. 1, 2023	9,284.64	4,114.95	5,169.69	864,185.96
<b>TOTALS FOR YEAR - 2023</b>		<b>\$ 111,415.68</b>	<b>\$ 50,961.82</b>	<b>\$ 60,453.86</b>	<b>\$ 864,185.96</b>

118	Jan. 1, 2024	\$ 9,284.64	\$ 4,090.48	\$ 5,194.16	858,991.80
119	Feb. 1, 2024	9,284.64	4,065.89	5,218.75	853,773.05
120	Mar. 1, 2024	9,284.64	4,041.19	5,243.45	848,529.60
121	Apr. 1, 2024	9,284.64	4,016.37	5,268.27	843,261.33
122	May 1, 2024	9,284.64	3,991.44	5,293.20	837,968.13
123	June 1, 2024	9,284.64	3,966.38	5,318.26	832,649.87
124	July 1, 2024	9,284.64	3,941.21	5,343.43	827,306.44
125	Aug. 1, 2024	9,284.64	3,915.92	5,368.72	821,937.72
126	Sep. 1, 2024	9,284.64	3,890.51	5,394.13	816,543.59
127	Oct. 1, 2024	9,284.64	3,864.97	5,419.67	811,123.92
128	Nov. 1, 2024	9,284.64	3,839.32	5,445.32	805,678.60
129	Dec. 1, 2024	9,284.64	3,813.55	5,471.09	800,207.51
<b>TOTALS FOR YEAR - 2024</b>		<b>\$ 111,415.68</b>	<b>\$ 47,437.23</b>	<b>\$ 63,978.45</b>	<b>\$ 800,207.51</b>
130	Jan. 1, 2025	\$ 9,284.64	\$ 3,787.65	\$ 5,496.99	794,710.52
131	Feb. 1, 2025	9,284.64	3,761.63	5,523.01	789,187.51
132	Mar. 1, 2025	9,284.64	3,735.49	5,549.15	783,638.36
133	Apr. 1, 2025	9,284.64	3,709.22	5,575.42	778,062.94
134	May 1, 2025	9,284.64	3,682.83	5,601.81	772,461.13
135	June 1, 2025	9,284.64	3,656.32	5,628.32	766,832.81
136	July 1, 2025	9,284.64	3,629.68	5,654.96	761,177.85
137	Aug. 1, 2025	9,284.64	3,602.91	5,681.73	755,496.12
138	Sep. 1, 2025	9,284.64	3,576.01	5,708.63	749,787.49
139	Oct. 1, 2025	9,284.64	3,548.99	5,735.65	744,051.84
140	Nov. 1, 2025	9,284.64	3,521.85	5,762.79	738,289.05
141	Dec. 1, 2025	9,284.64	3,494.57	5,790.07	732,498.98
<b>TOTALS FOR YEAR - 2025</b>		<b>\$ 111,415.68</b>	<b>\$ 43,707.15</b>	<b>\$ 67,708.53</b>	<b>\$ 732,498.98</b>
142	Jan. 1, 2026	\$ 9,284.64	\$ 3,467.16	\$ 5,817.48	726,681.50
143	Feb. 1, 2026	9,284.64	3,439.63	5,845.01	720,836.49
144	Mar. 1, 2026	9,284.64	3,411.96	5,872.68	714,963.81
145	Apr. 1, 2026	9,284.64	3,384.16	5,900.48	709,063.33
146	May 1, 2026	9,284.64	3,356.23	5,928.41	703,134.92
147	June 1, 2026	9,284.64	3,328.17	5,956.47	697,178.45
148	July 1, 2026	9,284.64	3,299.98	5,984.66	691,193.79
149	Aug. 1, 2026	9,284.64	3,271.65	6,012.99	685,180.80
150	Sep. 1, 2026	9,284.64	3,243.19	6,041.45	679,139.35
151	Oct. 1, 2026	9,284.64	3,214.59	6,070.05	673,069.30
152	Nov. 1, 2026	9,284.64	3,185.86	6,098.78	666,970.52
153	Dec. 1, 2026	9,284.64	3,156.99	6,127.65	660,842.87
<b>TOTALS FOR YEAR - 2026</b>		<b>\$ 111,415.68</b>	<b>\$ 39,759.57</b>	<b>\$ 71,656.11</b>	<b>\$ 660,842.87</b>
154	Jan. 1, 2027	\$ 9,284.64	\$ 3,127.99	\$ 6,156.65	654,686.22
155	Feb. 1, 2027	9,284.64	3,098.85	6,185.79	648,500.43
156	Mar. 1, 2027	9,284.64	3,069.57	6,215.07	642,285.36
157	Apr. 1, 2027	9,284.64	3,040.15	6,244.49	636,040.87
158	May 1, 2027	9,284.64	3,010.59	6,274.05	629,766.82
159	June 1, 2027	9,284.64	2,980.90	6,303.74	623,463.08
160	July 1, 2027	9,284.64	2,951.06	6,333.58	617,129.50
161	Aug. 1, 2027	9,284.64	2,921.08	6,363.56	610,765.94
162	Sep. 1, 2027	9,284.64	2,890.96	6,393.68	604,372.26
163	Oct. 1, 2027	9,284.64	2,860.70	6,423.94	597,948.32
164	Nov. 1, 2027	9,284.64	2,830.29	6,454.35	591,493.97

165	Dec. 1, 2027	9,284.64	2,799.74	6,484.90	585,009.07
<b>TOTALS FOR YEAR - 2027</b>		<b>\$ 111,415.68</b>	<b>\$35,581.88</b>	<b>\$ 75,833.80</b>	<b>\$ 585,009.07</b>
166	Jan. 1, 2028	\$ 9,284.64	\$2,769.04	\$6,515.60	578,493.47
167	Feb. 1, 2028	9,284.64	2,738.20	6,546.44	571,947.03
168	Mar. 1, 2028	9,284.64	2,707.22	6,577.42	565,369.61
169	Apr. 1, 2028	9,284.64	2,676.08	6,608.56	558,761.05
170	May 1, 2028	9,284.64	2,644.80	6,639.84	552,121.21
171	June 1, 2028	9,284.64	2,613.37	6,671.27	545,449.94
172	July 1, 2028	9,284.64	2,581.80	6,702.84	538,747.10
173	Aug. 1, 2028	9,284.64	2,550.07	6,734.57	532,012.53
174	Sep. 1, 2028	9,284.64	2,518.19	6,766.45	525,246.08
175	Oct. 1, 2028	9,284.64	2,486.16	6,798.48	518,447.60
176	Nov. 1, 2028	9,284.64	2,453.99	6,830.65	511,616.95
177	Dec. 1, 2028	9,284.64	2,421.65	6,862.99	504,753.96
<b>TOTALS FOR YEAR - 2028</b>		<b>\$ 111,415.68</b>	<b>\$ 31,160.57</b>	<b>\$ 80,255.11</b>	<b>\$ 504,753.96</b>
178	Jan. 1, 2029	\$ 9,284.64	\$ 2,389.17	\$ 6,895.47	497,858.49
179	Feb. 1, 2029	9,284.64	2,356.53	6,928.11	490,930.38
180	Mar. 1, 2029	9,284.64	2,323.74	6,960.90	483,969.48
181	Apr. 1, 2029	9,284.64	2,290.79	6,993.85	476,975.63
182	May 1, 2029	9,284.64	2,257.68	7,026.96	469,948.67
183	June 1, 2029	9,284.64	2,224.42	7,060.22	462,888.45
184	July 1, 2029	9,284.64	2,191.01	7,093.63	455,794.82
185	Aug. 1, 2029	9,284.64	2,157.43	7,127.21	448,667.61
186	Sep. 1, 2029	9,284.64	2,123.69	7,160.95	441,506.66
187	Oct. 1, 2029	9,284.64	2,089.80	7,194.84	434,311.82
188	Nov. 1, 2029	9,284.64	2,055.74	7,228.90	427,082.92
189	Dec. 1, 2029	9,284.64	2,021.53	7,263.11	419,819.81
<b>TOTALS FOR YEAR - 2029</b>		<b>\$ 111,415.68</b>	<b>\$ 26,481.53</b>	<b>\$ 84,934.15</b>	<b>\$ 419,819.81</b>
190	Jan. 1, 2030	\$ 9,284.64	\$ 1,987.15	\$ 7,297.49	412,522.32
191	Feb. 1, 2030	9,284.64	1,952.61	7,332.03	405,190.29
192	Mar. 1, 2030	9,284.64	1,917.90	7,366.74	397,823.55
193	Apr. 1, 2030	9,284.64	1,883.03	7,401.61	390,421.94
194	May 1, 2030	9,284.64	1,848.00	7,436.64	382,985.30
195	June 1, 2030	9,284.64	1,812.80	7,471.84	375,513.46
196	July 1, 2030	9,284.64	1,777.43	7,507.21	368,006.25
197	Aug. 1, 2030	9,284.64	1,741.90	7,542.74	360,463.51
198	Sep. 1, 2030	9,284.64	1,706.19	7,578.45	352,885.06
199	Oct. 1, 2030	9,284.64	1,670.32	7,614.32	345,270.74
200	Nov. 1, 2030	9,284.64	1,634.28	7,650.36	337,620.38
201	Dec. 1, 2030	9,284.64	1,598.07	7,686.57	329,933.81
<b>TOTALS FOR YEAR - 2030</b>		<b>\$ 111,415.68</b>	<b>\$ 21,529.68</b>	<b>\$ 89,886.00</b>	<b>\$ 329,933.81</b>
202	Jan. 1, 2031	\$ 9,284.64	\$ 1,561.69	\$ 7,722.95	322,210.86
203	Feb. 1, 2031	9,284.64	1,525.13	7,759.51	314,451.35
204	Mar. 1, 2031	9,284.64	1,488.40	7,796.24	306,655.11
205	Apr. 1, 2031	9,284.64	1,451.50	7,833.14	298,821.97
206	May 1, 2031	9,284.64	1,414.42	7,870.22	290,951.75
207	June 1, 2031	9,284.64	1,377.17	7,907.47	283,044.28
208	July 1, 2031	9,284.64	1,339.74	7,944.90	275,099.38

209	Aug. 1, 2031	9,284.64	1,302.14	7,982.50	267,116.88
210	Sep. 1, 2031	9,284.64	1,264.35	8,020.29	259,096.59
211	Oct. 1, 2031	9,284.64	1,226.39	8,058.25	251,038.34
212	Nov. 1, 2031	9,284.64	1,188.25	8,096.39	242,941.95
213	Dec. 1, 2031	9,284.64	1,149.93	8,134.71	234,807.24
<b>TOTALS FOR YEAR- 2031</b>		<b>\$ 111,415.68</b>	<b>\$ 16,289.11</b>	<b>\$ 95,126.57</b>	<b>\$ 234,807.24</b>
214	Jan. 1, 2032	\$ 9,284.64	\$ 1,111.42	\$ 8,173.22	226,634.02
215	Feb. 1, 2032	9,284.64	1,072.73	8,211.91	218,422.11
216	Mar. 1, 2032	9,284.64	1,033.86	8,250.78	210,171.33
217	Apr. 1, 2032	9,284.64	994.81	8,289.83	201,881.50
218	May 1, 2032	9,284.64	955.57	8,329.07	193,552.43
219	June 1, 2032	9,284.64	916.15	8,368.49	185,183.94
220	July 1, 2032	9,284.64	876.54	8,408.10	176,775.84
221	Aug. 1, 2032	9,284.64	836.74	8,447.90	168,327.94
222	Sep. 1, 2032	9,284.64	796.75	8,487.89	159,840.05
223	Oct. 1, 2032	9,284.64	756.58	8,528.06	151,311.99
224	Nov. 1, 2032	9,284.64	716.21	8,568.43	142,743.56
225	Dec. 1, 2032	9,284.64	675.65	8,608.99	134,134.57
<b>TOTALS FOR YEAR - 2032</b>		<b>\$ 111,415.68</b>	<b>\$ 10,743.01</b>	<b>\$ 100,672.67</b>	<b>\$ 134,134.57</b>
226	Jan. 1, 2033	\$ 9,284.64	\$ 634.90	\$ 8,649.74	125,484.83
227	Feb. 1, 2033	9,284.64	593.96	8,690.68	116,794.15
228	Mar. 1, 2033	9,284.64	552.83	8,731.81	108,062.34
229	Apr. 1, 2033	9,284.64	511.50	8,773.14	99,289.20
230	May 1, 2033	9,284.64	469.97	8,814.67	90,474.53
231	June 1, 2033	9,284.64	428.25	8,856.39	81,618.14
232	July 1, 2033	9,284.64	386.33	8,898.31	72,719.83
233	Aug. 1, 2033	9,284.64	344.21	8,940.43	63,779.40
234	Sep. 1, 2033	9,284.64	301.89	8,982.75	54,796.65
235	Oct. 1, 2033	9,284.64	259.37	9,025.27	45,771.38
236	Nov. 1, 2033	9,284.64	216.65	9,067.99	36,703.39
237	Dec. 1, 2033	9,284.64	173.73	9,110.91	27,592.48
<b>TOTALS FOR YEAR - 2033</b>		<b>\$ 111,415.68</b>	<b>\$ 4,873.59</b>	<b>\$ 106,542.09</b>	<b>\$27,592.48</b>
238	Jan. 1, 2034	\$ 9,284.64	\$ 130.60	\$ 9,154.04	18,438.44
239	Feb. 1, 2034	9,284.64	87.28	9,197.36	9,241.08
240	Mar. 1, 2034	9,284.82	43.74	9,241.08	0.00
<b>TOTALS FOR YEAR - 2034</b>		<b>\$ 27,854.10</b>	<b>\$ 261.62</b>	<b>\$ 27,592.48</b>	<b>\$0.00</b>
<b>FINAL TOTALS</b>		<b>\$ 2,228,313.78</b>	<b>\$ 898,313.78</b>	<b>\$ 1,330,000.00</b>	<b>\$0.00</b>

**stewart title**

of sacramento  
555 Capitol Mall, Suite 545  
Sacramento, Ca 95814  
Phone (916) 441-4950  
Fax (916) 564-5840

**Preliminary Report****Issued For The Sole Use Of:**

- .
- .
- .

**Escrow Officer:** [Antigone Vaccaro](#)**Escrow No.:** **CM-15017568-AV****Reference:****Property Address:****1831 "K" Street, Sacramento, California 95811**

---

In response to the above referenced application for a policy of title insurance, **Stewart Title Guaranty Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown referred to as an Exception in Schedule **B** or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in the attached list. Copies of the Policy forms should be read. They are available from the office which issued this report.

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit "B" of this report carefully. Limitations on covered risks applicable to the CLTA/ALTA Homeowner's Policy of Title Insurance which establish a deductible amount and a maximum dollar limit of liability for certain coverages are set forth in Exhibit "B". The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

**This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a binder or commitment should be requested.**

**Dated as of** September 24, 2019 **at 7:30 a.m.** \_\_\_\_\_

**Title Officer**  
**Don Wilkerson / ck**

**Escrow No.: CM-15017568-AV**

## **Schedule A**

**The form of policy of title insurance contemplated by this report is:**

ALTA LENDERS

**The estate or interest in the land hereinafter described or referred to covered by this Report is: A Fee**

**Title to said estate or interest at the date hereof is vested in:**

1831 K Holding Company, LLC, a California limited liability company

**The land referred to in this Report is situated in the State of California, County of Sacramento, City of Sacramento, and is described as follows:**

**See Exhibit "A" attached hereto and made a part hereof.**



Escrow No.: CM-15017568-AV

## **Exhibit "A"**

### **Legal Description**

Lot 5 and the East 10 feet of Lot 6 in the Block bounded by 18<sup>th</sup> and 19<sup>th</sup> and J and K Streets of the City of Sacramento, according to the official plat thereof, more particularly described as Parcel "1" in that certain Certificate of Compliance for Lot Merger recorded in June 3, 2003 in [Book 20030603, Page 1099](#) Official Records.

Apn: [007-0081-027](#)

## Schedule B

**At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in the policy form designated on the face page of this report would be as follows:**

- A. Taxes for the Fiscal Year 2019-2020, a lien not yet due or payable.
- B. The herein described land lies within the boundaries of the Sacramento Area Flood Control Agency and is subject to an assessment being collected with the County Taxes.

The amount included in the taxes is \$1,198.22, for the Sacramento City 1915 Act Bond – Safca Consolidated Capital Assessment #2.

For further information, please contact the Sacramento Area Flood Control Agency at (916) 874-7606.

- C. Any and all liens and assessments that may be levied as disclosed by the recordation of the Boundary Map, City of Sacramento, Neighborhood Park Maintenance Community Facilities District No. 2002-02, Future Annexation Area, filed December 13, 2010, in [Book 111 of Maps of Assessment and Community Facilities District at Page 28](#), and recorded December 13, 2010, by Assessment Map Filing Page in [Book 20101213, Page 1512](#), Official Records.
- D. Any and all liens and assessments that may be levied as disclosed by the recordation of the Proposed Boundary Map, City of Sacramento, SB 555 Contractual Assessment District, filed September 19, 2012, in [Book 114 of Maps of Assessment and Community Facilities District at Page 10](#), and recorded September 19, 2012, by Assessment Map Filing Page in [Book 20120919, Page 89](#), Official Records.
- E. Any and all liens and assessments that may be levied as disclosed by the recordation of the Proposed Boundary Map, City of Sacramento, Community Facilities District No. 2012-01 (Clean Energy), filed October 3, 2012, in [Book 114 of Maps of Assessment and Community Facilities District at Page 13](#), and recorded October 3, 2012, by Assessment Map Filing Page in [Book 20121003, Page 418](#), Official Records.
- F. Any and all liens and assessments that may be levied as disclosed by the recordation of the Proposed Future Annexation Area Map of County of Sacramento Community Facilities District No. 2005-1 (Police Services) filed November 22, 2006, in [Book 104 of Maps of Assessment and Community Facilities District at Page 27](#), and recorded November 22, 2006, by Assessment Map Filing Page in [Book 20061122, Page 298](#), Official Records.
- G. Any and all liens and assessments that may be levied as disclosed by the formation of Sacramento Maintenance Community Facilities District No. 2014-04 Future Annexation, filed April 20, 2015, in [Book 118, of Maps of Assessment and Community Facilities District at Page 15](#), and is subject to assessments imposed thereby, as disclosed by instrument recorded April 20, 2015, in [Book 20150420, Page 395](#), Official Records.

**Exceptions (Continued....)****Escrow No. : CM-15017568-AV**

- H. Any and all liens and assessments that may be levied as disclosed by the formation of the California Home Finance Authority (Authority) Community District No. 2014-1 (Clean Energy), and is subject to assessments imposed thereby, as disclosed by instrument recorded October 5, 2015, in [Book 20151005, Page 763](#), Official Records.
- I. Any and all liens and assessments that may be levied for the Sacramento Tourism Infrastructure District No. 2018-04, as disclosed by the recordation of Resolution No. 2018-0151, adopted by the Sacramento City Council on May 1, 2018, recorded May 7, 2018, in [Doc #201805070277](#), Official Records.
- J. The Lien of Special Assessments, assessed pursuant to the procedures of the Mello-Roos Community Facilities Act of 1982 and/or the Landscaping & Lighting Act of 1972, amounts are included and collected with the Taxes shown herein.
- K. The Lien of Supplemental Taxes, if any, assessed pursuant to the provisions of Chapter 3.5, Revenue and Taxation Code, Section 75 et seq.
- L. Any possible outstanding charges for utility services. Amounts may be obtained by contacting the City and/or County of Sacramento's Utility Services and Billing Department.
- 1. Construction Deed of Trust to secure an indebtedness of \$3,440,000.00, dated April 27, 2011, recorded April 28, 2011, in [Book 20110428, Page 767](#), Official Records.

Trustor: Disability Rights California, a non-profit California corporation  
 Trustee: Neuse, Incorporated  
 Beneficiary: IronStone Bank  
 (With Other Property)

Said Deed of Trust was re-recorded May 20, 2011, in [Book 20110520, Page 662](#), Official Records.

Terms, conditions and provisions contained in the instrument entitled "Loan Assumption Agreement", by and between 1831 K Holding Company, LLC, (Purchaser), First-Citizens Bank & Trust Company, (Lender), Neuse, Incorporation, (Trustee) and Disability Rights California, (Guarantor) recorded October 4, 2013, in [Book 20131004, Page 698](#), Official Records.

Refer to said document for full particulars.

- 2. Assignment of Rents, executed by Disability Rights California, a non-profit California corporation, dated April 27, 2011, given as security for an obligation owing to IronStone Bank, recorded April 28, 2011, in [Book 20110428, Page 768](#) and re-recorded May 20, 2011, in [Book 20110520, Page 663](#), Official Records.  
 (With Other Property)

**Exceptions (Continued....)****Escrow No. : CM-15017568-AV**

3. Deed of Trust to secure an indebtedness of \$380,000.00, dated April 15, 2011, recorded April 28, 2011, in [Book 20110428, Page 769](#), Official Records.

Trustor: Disability Rights California, a non-profit California corporation  
Trustee: Stewart Title of Sacramento, a California Corporation  
Beneficiary: LDR Partners, a California general partnership  
(With Other Property)

Said Deed of Trust was re-recorded May 20, 2011, in [Book 20110520, Page 664](#), Official Records.

4. Assignment of Leases, Rents (and Profits) First-citizens Bank & Trust Company (California), executed by 1831 K Holding Company, LLC, a California limited liability company, dated October 1, 2013, given as security for an obligation owing to First-Citizens bank & Trust Company, a North Carolina banking corporation, recorded October 4, 2013, in [Book 20131004, Page 699](#), Official Records.
5. Prior to the issuance of any policy of title insurance, the company will require the following with respect to 1831 K Holding Company, LLC, a California limited liability company:
  1. A copy of its operating agreement and any amendments thereto must be submitted to the Company for review.
  2. A certified copy of its articles of organization (LLC-1), any certificate of correction (LLC-11), certificated of amendment (LLC-2), or restatement of articles of organization (LLC-10), must be submitted to the Company for review.
6. Rights or claims of any party in possession. (Owners Affidavit)

**Exceptions (Continued....)****Escrow No. : CM-15017568-AV****Tax Note: For Proration Purposes Only**

- General and Special Taxes for the Fiscal Year 2018-2019, and any assessments and charges collected therewith,

1st Installment \$1,501.12                      Paid

2nd Installment \$1,501.12                      Paid

Parcel No. 007-0081-027      Asst. No. 18266211      Code Area 03-005

Land \$968,345.00      Improvements \$2,492.022.00      Exemptions (AO) \$3,460,367.00

Included in the above Taxes, in the amount of \$1,375.54, for the Midtown Sacramento PBID.

Included in the above Taxes, in the amount of \$160.50, for the Sacramento City Lighting &amp; Landscaping.

Included in the above Taxes, in the amount of \$34.00, for the City Library Services AD #96-02.

Included in the above Taxes, in the amount of \$13.24, for the Sacto Core Library Service Tax.

Note: If this property lies within the city limits of Sacramento, it is subject upon sale to a tax of .00275 of the value of consideration. The failure to pay will result in the tax being added to the future property tax bills.

**Chain of Title:**

**According to those public records under the recording laws impart constructive notice to the title to the land described herein, the following matters constitute the chain of title for the thirty-six month period preceding the date hereof:**

**None**

**Buyer's Note:**

If an Alta Residential Owner's Policy is requested and if the property described herein is determined to be eligible for this policy, the following exceptions from coverage will appear in the policy:

1. Taxes or assessments which are not shown as liens by the public records or by the records of any taxing authority.
2. (a) Water rights, claims or title to water; (b) reservation or exceptions in patents or in Acts authorizing the issuance thereof; (c) unpatented mining claims; whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
3. Any rights, interest or claims of parties in possession of the land which are not shown by the public records.
4. Any easements or liens not shown by the public records. This exception does not limit the lien coverage in Item 8 of the Covered Title Risks.
5. Any facts about the land which a correct survey would disclose and which are not shown by the public records. This exception does not limit the forced removal coverage in Item 12 of the Covered Title Risks.

**Note:** California "Good Funds" Law

Effective January 1, 1990, California Insurance Code Section 12413.1 (Chapter 598, statutes of 1989), prohibits a title insurance company, controlled escrow company or underwritten title company from disbursing funds from an escrow or sub-escrow account, **(except for funds deposited by wire transfer electronic payment or cash)** until the day these funds are made available to the deposit or pursuant to Part 229 Of Title 12 of the code of Federal Regulations, (Reg. CC). Items such as cashier's, certified or teller's checks may be available for disbursement on the business day following the business day of deposit; however, other forms of deposits may cause extended delays in closing the escrow or sub-escrow.

**"Stewart Title Of Sacramento will not be responsible for accruals of interest or other charges resulting from compliance with the disbursement restrictions imposed by State Law"**

## Lenders Supplemental Report

This report (including any supplements or amendments thereto) is hereby modified and or supplemented in order to reflect the following additional items relating to the issuance of an American Land Title Association Loan Form Policy as follows:

- ( ) ALTA inspection report to follow.
- ( ) A physical inspection has been made and no survey will be required. Our ALTA Policy when issued will include Endorsement No. 116.
- ( X ) Commercial
- ( X ) Said land is also known as

**1831 "K" Street, Sacramento, California 95811**

State of California, County of Sacramento, City of Sacramento

**Exhibit "B"**

**CLTA PRELIMINARY REPORT FORM  
LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS  
(Revised 06/17/06)**

**CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, Or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors, rights laws.

**EXCEPTIONS FROM COVERAGE  
SCHEDULE B, PART I**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof. not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.



5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)**  
**ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE**  
**EXCLUSIONS**

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning: a. building; b. zoning; c. land use; d. improvements on the Land; e. land division; and f. environmental protection This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes, This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks: a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records; b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date; c. that result in no loss to You; or d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28,
5. Failure to pay value for Your Title.
6. Lack of a right: a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and b. in streets, alleys, or waterways that touch the Land This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.

**LIMITATIONS ON COVERED RISKS**

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- \* For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1 % of Policy Amount or \$ <u>2,500.00</u> (whichever is less)	\$ <u>10,000.00</u>
Covered Risk 18:	1% of Policy Amount or \$ <u>5,000.00</u> (whichever is less)	\$ <u>25,000.00</u>
Covered Risk 19:	1% of Policy Amount or \$ <u>5,000.00</u> (whichever is less)	\$ <u>25,000.00</u>
Covered Risk 21:	1% of Policy Amount or \$ <u>2,500.00</u> (whichever is less)	\$ <u>5,000.00</u>

**AMERICAN LAND TITLE ASSOCIATION  
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)  
EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
  - \* Land use \* Improvements on the land \* Land division \* Environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date.

This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
  - \* a notice of exercising the right appears in the public records
  - \* on the Policy Date
  - \* the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
3. Title Risks:
  - \* that are created, allowed, or agreed to by you
  - \* that are known to you, but not to us, on the Policy Date -- unless they appeared in the public records
  - \* that result in no loss to you
  - \* that first affect your title after the Policy Date -- this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title
5. Lack of a right:
  - \* to any land outside the area specifically described and referred to in Item 3 of Schedule A

OR

  - \* in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risk.

**AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)  
WITH ALTA ENDORSEMENT - FORM 1 COVERAGE  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;

(d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or  
 (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.

4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law,
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
  - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine or equitable subordination; or
  - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer; or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

#### **EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
 Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

#### **2006 ALTA LOAN POLICY (06/17106) EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;

(iii) the subdivision of land; or

(iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations, This Exclusion I (a) does not modify or limit the coverage provided under Covered Risk 5.

(b) Any governmental police power. This Exclusion I (b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain, This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8,
3. Defects, liens, encumbrances, adverse claims, or other matters.
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law,
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records, This Exclusion does not modify or limit the coverage provided under Covered Risk 11 (b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage, In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

#### **EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- 2.. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10/11/92)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
 (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or 0 fraudulent transfer; or
  - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer; or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage Policy will also include the following General Exceptions:

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
 Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**2006 ALTA OWNER'S POLICY (06/17/06)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion I (a) does not modify or limit the coverage provided under Covered Risk 5.  
 (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters.
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

On October 4<sup>th</sup>, 2019, the Board Executive Committee approved by unanimous written consent the following:

1. The renovation of DRC's Sacramento office to provide five (5) additional offices spaces by enclosing the onsite carport for an estimated total project cost of \$400,000.
2. Including the following items in DRC's State Bar IOLTA budget request: the renovation costs of DRC's Sacramento office; and, a reduction in debt payments for the Sacramento office by paying off the current second mortgage on the Sacramento Office.

Catherine Blakemore  
Executive Director  
Disability Rights California

Disability Rights California  
Real Property State Bar Application

Disability Rights California has included in our State Bar IOLTA funds budget capital funds for renovation costs and debt service payments in the amount of \$615,000. The funding will be used for two purposes which are outlined below:

1. Pay for the construction costs associated with the expansion of our Sacramento office space to meet our office space needs in the most cost-effective manner.
2. Reduce the debt service on our Sacramento office space by paying-off our second mortgage.

Both proposals will reduce our occupancy costs by nearly \$80,000 a year. The total costs of these proposals are expected to be \$615,000 or 11% of our anticipated 2020 IOLTA grant.

Explanation:

Need for additional space: With increased funding over the last three years, DRC has added 50 positions across the state. In addition, we are projecting an additional 30 positions being added over the next year. To address the shortage of space, we have done the following: leased additional space in locations throughout California when it is cost effective to do so; asked staff to share offices, unless a private office is needed for a disability related accommodation; developed and are piloting a more robust telecommute policy and providing staff who telecommute with the equipment they need to access our systems in a secure matter.

Proposal to Use IOLTA Funds for expansion space in Sacramento:

In Sacramento it has been challenging to find affordable space that is accessible to individuals with disabilities. Given the cost of leasing additional space over a multi-year period, our Board approved the construction of additional offices in our Sacramento office by converting a small onsite parking area to office space. (We have an additional parking lot two blocks from the office.) DRC, through a wholly owned LLC, owns an office building which was purchased in 2011 and financed with 15 year first and second mortgages. The building, that is located at 1831 K Street,



Sacramento, serves as the administrative offices and Sacramento area legal offices for Disability Rights California. Currently 90 employees or 30% of our staff work in this building.

Based on our preliminary design work, we estimate the construction costs to be \$350,000 plus additional professional fees and permit fees of \$50,000. Preliminary information from our lender indicates that we would incur approximately \$40,570 in additional annual mortgage payments to finance the conversion for a total cost of \$324,560 plus a down payment and cost of professional fees and permit fees. It is more cost effective for DRC to pay for the cost of the construction rather than borrowing the funds. Using IOLTA funds for this construction is the only possible source of grant funding, as our other funding and reserves are restricted and/or government grants which prohibit construction.

Debit Service Payments to Pay-Off Second Mortgage on 1831 K Street Building: In addition, there is a second mortgage on the Sacramento building with a remaining amount of \$213,076 as of January 1, 2020. The annual payments on this note are \$37,715 with 7 years remaining on the note.

Permitting DRC to use IOLTA funds to pay for renovations in the Sacramento office and eliminate a portion of its debt service on its Sacramento property, will reduce our occupancy costs by nearly \$80,000 annually. These funds can then be used to provide additional client services. More importantly, these proposals will help ensure that we can expand the services we provide to low-income Californians with disabilities from our fully accessible offices in Sacramento. Finding accessible office space near public transit with large elevators that can accommodate wheelchairs, bathrooms that are fully accessible with lower counters, grab bars, and push button openers, and conference room space that is large enough for clients and staff with disabilities to walk or roll-into is challenging. We have ensured our office space meets these and other requirements. It is a one of a kind space that ensures we can effectively and efficiently serve our client community.

### **Information Pertaining to Cost:**

1. A preliminary title report, dated September 24, 2019 is enclosed as Attachment A.

2. The Disability Rights California office building, located at 1831 K Street in Sacramento is a two story, 25,059 square foot building which is used exclusively by DRC program and administrative staff. The building is owned by 1831 K Holding Company, LLC which is a wholly owned LLC of Disability Rights California. DRC rents the building from the LLC for \$43,507 per month or \$522,090 per year. Average annual utility costs are \$47,060 including electric, gas, water, and sewer. The building was built in 1980 and purchased by DRC in 2011 for \$3,753,000. Financing is a combination of a first and second mortgage. The primary mortgage has a 15 year term, with an original balance of \$3,440,000. There are currently 87 payments left with a remaining balance of \$2,026,160. The second mortgage also has a 15 year term with an original balance of \$380,000. As of January 1, 2020, the balance of the mortgage will be \$213,076.
3. Purchase terms – Not Applicable.
4. A written appraisal, dated August 2, 2019 is enclosed as Attachment B.
5. The estimated cost of proposed improvements is \$400,000. The project will renovate the building to add additional office space. Construction costs are estimated at \$350,000 and Professional fees and permits are estimated to be \$50,000. The cost of the payoff of the second mortgage as of January 1, 2020 is \$213,076.
6. The building renovation will add 1,300 square feet of office space or an increase of 5% interior space to our office building. We anticipate that the costs of utilities, cleaning, maintenance, and insurance will increase a corresponding amount. This amount is minor and will be handled within our operating budget. If the renovation is paid for with borrowed funds, the overall costs to DRC will increase from \$20.88 per square foot per year to \$21.36 per square foot per year to cover the additional mortgage costs. Using IOLTA funds for the project will allow DRC to keep our facility costs at current levels, freeing up funds we would have spent on occupancy for additional client services.
7. In October, 2018, Disability Rights California worked with our realtor Michael Muljat to identify potential office space to rent near our 1831 K Street building to house additional staff. There was not much suitable space that met our ADA requirements and space objectives available in the area. The cost of the office space that was most suitable was \$28.80 per square foot per year. Rents in the area have continued to increase in the last year and we have not identified suitable space to rent that meets our organization needs.

8. Disability Rights California has relied on several experts to assist us with developing this project. The appraisal was conducted by Judson H. Cline, CA Certified General Appraiser and Donna Whitaker, CA Certified General Appraiser of Cushman & Wakefield Western, Inc. The appraisal complies with reporting requirements under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice. Our appraisers have extensive experience of appraising similar property within Sacramento County and were recommended by our banker at First Citizens Bank for the appraisal. Our realtor, Michael Muljat, Senior Managing Director with Newmark Cornish & Carey provided pro bono real estate expertise and advice on comparable market rates and options to consider with our current building. The realtor will not receive any commissions or fees associated with this project and does not have a financial interest in it. Steve Jones, Principal Designer at Design Tech, Interior Design Services, Inc. provided preliminary drawings for the renovation and procured preliminary cost estimates for the project. We have hired an architect, William Rasmussen of Graber Rasmussen architects, who is in the process of developing the architectural drawings and will assist us through the construction phase of the project.
9. The renovations will provide expanded, accessible office space within our Sacramento office building. Finding accessible office space near public transit with large elevators that can accommodate wheelchairs, bathrooms that are fully accessible with lower counters, grab bars, and push button openers, and conference room space that is large enough for clients and staff with disabilities to walk or roll-into is challenging. We have ensured our office building space meets these and other requirements. It is a one of a kind space that ensures we can effectively and efficiently serve our client community with our increased staff.

#### **Information Pertaining to Shared Ownership or Use:**

1. The renovation will be used solely by programs of Disability Rights California.
2. The space will not be shared with other persons or entities.

#### **Board Comments:**

1. The Finance Committee and Board of Directors have had extensive discussions about the Sacramento building renovation as well as other

space constraints across the State at their meetings. These discussions, as well as approvals for initial stages of the project, have been documented in the minutes. Attached as Attachment C is an approval by the Executive Committee on behalf of the Board of Directors for the entire project.

**Interested Transactions:**

1. There are no interested transactions.
2. There are no relationships to report.

**Special Criteria:**

Not Applicable

**Security Interest and Related Issues:**

Disability Rights California will use expenditures granted to the organization in accordance with the Act. There are no plans to sell the building. If required, we will work with the State Bar, our attorney, and our mortgage holder to provide a deed of trust to the State Bar for the defined Amortization Period.