



The State Bar of California

DATE: December 1, 2020

TO: Members, Partnership Grants Committee
Members, Legal Services Trust Fund Commission

FROM: Christal Bundang, Senior Program Analyst, Office of Access & Inclusion

SUBJECT: Proposed Rubric for 2022 Partnership Grants

EXECUTIVE SUMMARY

Following the direction of the Board of Trustees (Board) to develop a scoring rubric for evaluation of requests for proposal (RFPs) for discretionary grant funds, staff recommends that the Commission adopt the scoring rubric described in this agenda item to be used to review and evaluate 2022 Partnership Grant applications. The rubric presented here is based on current office practice and policies approved by the Legal Services Trust Fund Commission (Commission).

The goals of the rubric will be to provide transparency to applicants, clarity to Partnership Grant Committee (Committee) members, and ensure equity in the review process. Once approved, the rubric will be incorporated into the review process for all eligible 2022 Partnership Grant proposals. The 2022 rubric is intended to formalize and implement existing scoring policies and practices, which is expected to better inform the codification process. However, it is only planned for use in the 2022 Partnership Grants RFP cycle at this time, as the codification process may impact rubric development and implementation.

BACKGROUND

The Partnership Grants program is established by the State Budget Act, which annually provides that "[t]en percent of the [Equal Access Fund] ... shall be for joint projects of courts and legal services programs to make legal assistance available to pro per litigants." (See Attachment A.) Funding is allocated through the Budget Act to the Judicial Council, and the Judicial Council has authority for final approval of grants. The State Bar administers the grant selection and distribution process through a contract with the Judicial Council. The Commission oversees the administration of these grants, delegating primary responsibility for review and recommendations to the Committee.

The State Bar and Judicial Council have approved criteria limiting eligibility for Partnership Grant funding. Applicants must be Qualified Legal Services Projects, proposals must be for joint projects with a California court, services are to be only provided at or near a courthouse to indigent persons, and funding is restricted to providing assistance to self-represented civil litigants. While all projects must meet threshold eligibility requirements, the Judicial Council and Commission have provided general guidance to help organizations identify projects that best fulfill the goals and intention of the Partnership Grants program.

DISCUSSION

In May 2019, the Programs Committee, acting under delegated authority from the Board, directed that, for all grants awarded to legal services organizations through a competitive bidding process, a formal scoring rubric should be adopted to create consistency and ensure transparency in the awarding of discretionary grants. The first scoring rubric developed was for awarding of the State Bar's competitive Homelessness Prevention (HP) Grants. This rubric, used to guide the evaluation of all proposals submitted, assigned point values to defined categories; an applicant could get points in each category based on the extent to which its proposal satisfied the goals of the grant funding. The rubric provided uniformity during the Committee review process and set clear expectations for potential applicants.

Selection Criteria & Existing Policies

The Commission has not yet adopted a formal scoring rubric for Partnership Grants proposals. As a result, there is concern about inconsistent review and uneven application of the selection criteria.

The Partnership Grant RFP currently outlines the following selection criteria:

1. Impact of Services: The project must address the needs of the targeted population and achieve meaningful and timely outcomes.
2. Collaboration with Cooperating Court: The project must be jointly undertaken with the court. The Commission will consider the extent to which the applicant and cooperating court will collaborate on this project to achieve access for self-represented litigants.
3. Integration with Court-Based Services: The applicant's services, or planned services, should be integrated with other court-based services, including the Family Law Facilitator, self-help centers, and other offices of the cooperating court.
4. Court's Impartiality: The proposal must ensure the court's independence and impartiality. If the project's services are to be reserved for only one litigant role, such as petitioners but not respondents, or defendants but not plaintiffs, the applicant must demonstrate that it has thoroughly explored all the implications of this decision with the court, and identified alternate legal resources that can provide meaningful if not equivalent levels of assistance to the opposing parties

5. Conflict of Interest: If the project establishes attorney-client relationships with the self-represented litigants, it must provide meaningful referrals for individuals who are not eligible to use the services because they present a conflict of interest for the project.
6. Information and Referrals: The proposal must address the methods by which the project will provide information and alternatives to litigants who are not eligible to use its services for any reason.
7. Continuity Planning: In anticipation of the eventual termination of Partnership Grant support, the applicant must diligently pursue other means for supporting the continuation of the project. The Commission will consider efforts to pursue other sources of funding and support, as well as contributions actually received, such as commitments to the program's general operating revenue, recruitment of volunteers, and in-kind support.
8. Evaluation: All applicants must incorporate evaluation plans into their Partnership Grant proposal and complete a year-end evaluation report.

In 2017 and 2018, the Commission approved additional Partnership Grant policies focused on the following areas: 1) self-representation and attorney-client relationships; 2) duration of Partnership Grant funding; 3) overhead, administration, and audit; and 4) use of Partnership Grant funding as a subgrant covering wages of court staff. These policies provide additional guidance to the Committee during the review process (See Attachment B.)

Rubric Development

In developing a formal rubric for Partnership Grants, based on the direction of the Board, staff considered the selection criteria and approved policies, existing rubrics from other government funded grants (as discussed below), and a robust discussion with the Committee. Staff also researched additional scoring rubric template options to help inform rubric development.

First, staff determined that the selection criteria and policies required editing for clarity. Staff identified three main issues to be addressed. The first issue was that there were too many categories. With at least twelve current categories spanning both the selection criteria and policies, the categories did not convert easily into a workable scoring rubric. The second issue was that the category descriptions were too broad, and some policies combined selection criteria, eligibility requirements, and funding priorities. As a result, it was difficult to differentiate the purpose and scope of each of the three areas. The third issue was that there was no guidance for how each criterion should be considered relative to other criteria, leading to subjective interpretation.

Next, staff researched existing rubrics utilized by other government-funded grants, including the [Legal Services Corporation \(LSC's\) Pro Bono Innovation Fund](#), the [Victims of Crimes Act \(VOCA\) Grants](#), and the [State Bar's HP competitive grants](#). Staff reviewed and identified similarities with the current Partnership Grant review process and identified additional rubric

features that would provide additional clarity, transparency, and equity in the Partnership Grant review process.

LSC's Project Grant rating criteria listed three main categories, for a total weight of 100% – 1) Project Design (60%); 2) Organizational Capacity, Project Partners, and Sustainability (25%); and 3) Cost-Effectiveness and Budget Adequacy (15%). These categories were further organized into sub-categories. LSC also provides supplemental explanations for each main category and rating level. For example, rating levels range from Excellent to Non-acceptable responses. Excellent is defined as, "High quality response, addressing all elements of the selection criteria, and exceeding the requirements in almost all instances. Identified strengths are substantial with no weaknesses or additional questions identified. Any identified weakness has minimal effect on the overall quality of the response."

Staff found similarities in LSC's categories and the Partnership Grants selection criteria and noted LSC's approach of having fewer categories. One of the most helpful features in LSC's grant criteria was the rating level definitions. Having each level defined clearly communicates expectations to both potential applicants and would be a useful calibration tool for the Committee members.

VOCA's rubric listed the following review criteria - 1) Issue Description (20%); 2) Project Design and Implementation (40%), 3) Capabilities and Competencies (20%); 4) Plan for Collecting Data (5%); 5) Budget (10%); and 6) Logic Model (5%) . These review criteria are utilized by subject matter experts who serve as peer reviewers of the grant applications. Again, staff noticed that VOCA uses a smaller list of review criteria, which appear to be more closely aligned to the Partnership Grant selection criteria.

The State Bar's HP competitive grants rubrics listed six categories totaling 100 points (pts). The 2021 scoring rubric categories were as follows – 1) Proposal Quality (40pts); 2) Organizational Capacity (30pts); 3) Rural/Underserved Communities (10pts); 4) Services Serve Clients Regardless of Immigration or Citizenship Status (10pts); 5) Evaluation (5pts); and 6) Sustainability/Continuity (5pts).

Staff had the benefit of gathering feedback from Committee members following this grant's rubric implementation. One observation was that the categories were particularly difficult to interpret. During the rubric development process, the HP Committee did not define how categories should be considered, leading to various interpretations and inconsistent scoring. The HP Committee and staff, however, found the rubric calibration process helpful and would recommend additional sessions if feasible.

Based on these considerations, staff developed a preliminary rubric, which was presented to and discussed by the Committee on November 13, 2020. The Committee agreed that a scoring rubric would help provide guidance in analyzing the strength of a proposal while maintaining discretion. The Committee brainstormed and suggested additional features to help support the rubric's objectives. This included awarding bonus points for innovation, including definitions for the ranking levels, and validating the rubric's weights by testing a random sample of previously

awarded grants. The Committee agreed that it was important that applicants be given the opportunity to improve their initial scores by addressing any concerns in their proposal during the review process. The Committee also discussed outreach ideas to ensure that Partnership Grants are awarded throughout the state, particularly in rural areas.

Taking into consideration the research conducted, analysis, and feedback received, staff developed a scoring rubric¹. In response to issues identified with existing criteria and consistent with LSC and VOCA's approach, the proposed rubric consolidates overlapping criteria into fewer categories and streamlines the category descriptions. Any policies or criteria that are not universally applicable will be referenced outside of the rubric in the RFP. The rubric also separates eligibility requirements, selection criteria, and funding priorities, as these are three distinct areas that Committee considers for Partnership Grants. For ease of calculation, staff proposes using prescribed multipliers for each section. While a slightly different approach, staff believes that this proposed format would best achieve the rubric's purpose of transparency, clarity, and equity in the review process.

The 2022 proposed rubric would be comprised of the following (see table on page 6):

- **Part 1 - Threshold Eligibility Requirements**

If an applicant does not meet all requirements, it would be considered ineligible for Partnership Grant funding in 2022. Eligible applicants would move forward to Parts 2 and 3. Since these are minimum grant requirements, staff does not recommend an associated weighting or score.

- **Part 2 – Selection Criteria (80pts)**

Since selection criteria considers a proposed project's strength and impact, staff recommends that this be the most heavily weighted part of the rubric. Staff proposes to use a tiered ranking system of Exceeds Expectations, Meets Expectation and Below Expectations with corresponding definitions, based on LSC's definitions. Staff believes that this approach maintains Committee's discretion but would avoid significant variance in the scoring, as experienced with the HP grant rubric. Court Involvement and Impact would have a relatively large multiplier, as the Committee has noted both categories as particularly important.

- **Part 3 - Funding Priorities (20pts)**

After analyzing a proposal's strength and quality, the third section would be funding priorities. Partnership Grant funding is prioritized first to new projects, then to existing projects in their second to fifth year. Finally, projects over five years that serve rural communities or have evolved to respond to disasters or emergencies would be prioritized next. Since funding priorities are clearly outlined, staff proposes to utilize numeric scoring of 1-5 for this section (translating into 4-20pts), instead of the ranking

¹ The proposed rubric is intended to be used only for evaluating Partnership Grants proposals and not to determine specific award amounts. Historically, the Committee has determined specific grant awards by reviewing all grant applications in totality after evaluating grant applications and confirming availability of total grant funds. Staff recommends reviewing this practice in early 2021 to allow time to consider any potential impact of COVID-19 and given the Committee and Judicial Council's desire to conduct strategic outreach to encourage additional innovative proposals.

system. This scoring range is meant to retain the Committee's discretion, should any other factors impact a proposal's priority.

- **Part 4 (Optional) – Innovation (up to 15 pts)**

In response to the Committee's recommendation, additional points will be awarded for exceptionally innovative proposals. The aim of this section will be to encourage innovation for potential applicants. Committee members will have the option to award a range of 1 to 15 points for proposals considered innovative.

Proposed Rubric

ELIGIBILITY REQUIREMENTS		
Applicant is a Qualified Legal Services Project	YES	NO
Proposal is jointly developed and implemented by a California State court and services are delivered at or near the courthouse.	YES	NO
Proposed services will be provided only to indigent persons, as defined under Business and Profession Code §6213(d).	YES	NO
If NO, has the project identified non-Partnership Grant funds that will cover this work?	YES	NO
Proposed services will be provided only to self-represented litigants (individuals who are or expect to be engaged in civil litigation without representation by counsel).	YES	NO
If NO, has the project identified non-Partnership Grant funds that will cover this work?	YES	NO

If all eligibility requirements have been met above, proceed with Selection Criteria and Funding Priorities:

SELECTION CRITERIA (80 PTS)			
CATEGORY & DESCRIPTION	Exceeds Expectations	Meets Expectations	Below Expectations
<u>Court Involvement</u> A successful proposal will indicate: <ul style="list-style-type: none"> • significant cooperation between the partner court and legal services organization, • integration with other court-based services and • if the project's services are to be reserved for only one litigant role, such as petitioners but not respondents, that this has been thoroughly explored with the court, and alternate legal resources that can provide meaningful if not equivalent levels of assistance to the opposing parties have been identified. 			

<u>Project Impact</u> A successful proposal will clearly address the needs of the targeted population with meaningful and timely outcomes.			
A. Number of Check Marks	X20=	X15=	X10=
<u>Administration</u> A successful proposal will have adequate: <ul style="list-style-type: none"> • staffing, • leadership, and • oversight of project monitoring, outreach and resource development. 			
<u>Project Budget</u> A successful project will clearly reflect how Partnership Grant funds are tied to actual project expenses or directly related costs.			
<u>Continuity Planning</u> A successful project will adequately describe meaningful continuity planning efforts, such as pursuing other sources of funding, recruitment of volunteers, and in-kind support.			
<u>Evaluation</u> A successful proposal will incorporate meaningful evaluation plans and metrics that effectively demonstrate how the project's planned goals will be achieved.			
B. Number of Check Marks	X10 =	X6 =	X3 =
Selection Criteria Total (A+B)			

FUNDING PRIORITIES (20 PTS)	
1. Partnership Grants will be awarded with the principal intention of providing seed funding for <u>new projects</u> and projects in their second to fifth year of funding. 2. Projects requesting funding beyond their fifth year that serve rural areas, are responsive to a recent emergency or disaster, or are high-functioning and heavily utilized projects but have been unable to secure alternate funding despite documented efforts are prioritized. 3. Projects seeking funding beyond a fifth year that are not in these priority areas are considered for funding only after proposed awards have been allocated for all prioritized projects. The State Bar retains discretion to waive this policy.	5 4 3 2 1
Funding Priority Total Score	X4 =

OPTIONAL - INNOVATION (up to 15 PTS)		
Additional points will be awarded to successful proposals that demonstrate innovation.	YES	NO
Bonus Points Awarded (1-15 pts)		
Reason(s) for awarding bonus points for innovation:		

Selection Criteria Total	
Funding Priority Total	
Bonus Points Awarded	
GRAND TOTAL	

DEFINITIONS	
Exceed Expectations	Response is very high quality, addressing all questions in the request for proposal and all elements of the selection criteria. The identified strengths in the category are substantial with no or minimal weaknesses or additional questions identified. Any identified weakness has minimal effect on the overall quality of the response.
Meets Expectations	Response is good, effectively addressing most questions in the request for proposal and the selection criteria. Strengths and weaknesses are identified that may balance each other in significance. Overall quality of response is satisfactory
Below Expectations	Response is weak, neglecting to address questions in the request for proposal and the elements of the criteria. The responses identified weaknesses hold significant weight, overshadowing the identified strengths. Overall quality of response is inadequate, with significant flaws in key elements.

Staff is requesting that the rubric be approved in concept and that staff be given authority to adjust the rubric after testing the proposed weights. The final rubric will be presented for approval at the December 15, 2020 Commission meeting. Given the experience with review of HP grants and the demonstrated need for calibration, staff also plans to schedule calibration sessions for the Committee to ensure consistent scoring, application, and interpretation of the rubric.

Finally, staff proposes that the rubric be implemented only for the 2022 Partnership Grants administration. The Commission will be reviewing policies regarding the State Bar's discretionary grants as part of the ongoing codification process led by the Rules Committee, which could impact the rubric. While this topic has not yet been discussed by the Rules Committee, utilizing a rubric-based approach for the 2022 Partnership Grants administration will help inform future codification discussions. The proposed rubric only implements existing criteria in a coherent, consistent manner. It does not represent a policy change.

RECOMMENDATION

Should the Partnership Grants Committee concur with staff's recommendation, passage of the following resolution is recommended:

RESOLVED, that the Partnership Grants Committee recommends approval of the 2022 Partnership Grants scoring rubric.

Should the Legal Services Trust Fund Commission concur with the Partnership Grants Committee's recommendation, passage of the following resolution is recommended:

RESOLVED, that the Legal Services Trust Fund Commission approves the 2022 Partnership Grants scoring rubric.

ATTACHMENT LIST

- A.** State Budget Act
- B.** 2018 Approved Partnership Grant Policies

Assembly Bill No. 74

CHAPTER 23

[Approved by Governor June 27, 2019. Filed with Secretary of
State June 27, 2019.]

AB 74, Ting. Budget Act of 2019.

This bill would make appropriations for the support of state government for the 2019–20 fiscal year.

This bill would declare that it is to take effect immediately as a Budget Bill.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.00.

This act shall be known and may be cited as the “Budget Act of 2019.”

[.....]

0250-101-0001—For local assistance, Judicial Branch 127,603,000

Schedule:

(1)	0150010-Support for Operation of Trial Courts.....	83,551,000
(2)	0150051-Child Support Commissioner Program (AB 1058)	54,332,000
(3)	0150055-California Collaborative and Drug Court Projects	5,748,000
(4)	0150075-Grants—Other	1,586,000
(5)	0150083-Equal Access Fund	42,892,000
(6)	Reimbursements to 0150051-Child Support Commissioner Program (AB 1058)	–54,332,000
(7)	Reimbursements to 0150055-California Collaborative and Drug Court Projects	–4,588,000

(8) Reimbursements to 0150075-Grants—Other -1,586,000

Provisions:

1. In order to improve equal access and the fair administration of justice, the funds appropriated in Schedule (5), after distribution of the \$20,000,000 in Provision 6, are to be distributed by the Judicial Council through the Legal Services Trust Fund Commission to qualified legal services projects and support centers as defined in Sections 6213 to 6215, inclusive, of the Business and Professions Code, to be used for legal services in civil matters for indigent persons. The Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. Ten percent of the funds in Schedule (5) shall be for joint projects of courts and legal services programs to make legal assistance available to pro per litigants and 90 percent of the funds in Schedule (5) shall be distributed consistent with Sections 6216 to 6223, inclusive, of the Business and Professions Code. The Judicial Council may establish additional reporting or quality control requirements consistent with Sections 6213 to 6223, inclusive, of the Business and Professions Code.

[....]

5. Of the funds appropriated in Schedule (5), \$2,500,000 shall be available for the expansion and administration of pilot programs pursuant to the Sargent Shriver Civil Counsel Act (Ch. 457, Stats. 2009).
6. Of the amount appropriated in Schedule (5), \$20,000,000 shall be distributed by the Judicial Council through the State Bar of California pursuant to Provision 1 to qualified legal services projects and support centers to provide eviction defense or other tenant defense assistance in landlord-tenant rental disputes, including pre-eviction and eviction legal services, counseling, advice and consultation, mediation, training, renter education, and representation, and legal services to improve habitability, increasing affordable housing, ensuring receipt of eligible income or benefits to improve housing stability, and homelessness prevention. Of this amount, \$150,000 shall be available, upon order of the Department of Finance, for administrative costs of the Judicial Council and the State Bar. The remaining funds shall be allocated as follows:
 - (a) 75 percent shall be distributed to qualified legal services projects and support centers that currently provide eviction defense or other tenant defense assistance in landlord-tenant rental disputes, as set forth in Provision 6. To expedite the distribution of this percentage of the \$20,000,000, eligible programs shall be limited to those found eligible for 2019 IOLTA funding.

Each eligible program shall receive a percentage equal to that legal services project's 2019 IOLTA allocation divided by the total 2019 IOLTA allocation for all legal services projects eligible for this funding, except that to ensure that meaningful funding is provided, a minimum amount of \$50,000 shall be allocated to each eligible program unless the program requests a lesser amount, in which case the additional funds shall be distributed proportionally to the other qualified legal services projects. These funds shall be distributed as soon as practicable after the effective date of this act and shall not supplant existing resources.

- (b) 25 percent shall be allocated through a competitive grant process developed by the Legal Services Trust Fund Commission of the State Bar to award grants to qualified legal service projects and support centers to provide eviction defense or other tenant defense assistance in landlord-tenant rental disputes, as set forth in Provision 6, to meet the needs of tenants not addressed by the formula provided in subdivision (a). The grant process shall ensure that any qualified legal service project or support center that received funding pursuant to subdivision (a) may only receive funding pursuant to this subdivision if that qualified legal service project or support center demonstrates that funds received under this subdivision will be not be used to supplant existing resources, and will be used to provide services to tenants not otherwise served by that qualified legal service project or support center. The commission shall make the grant award determinations. In awarding these grants, preference shall be given to qualified legal aid agencies that serve rural or underserved communities and that serve clients regardless of immigration or citizenship status. Any funding not allocated pursuant to this competitive grant process shall be distributed pursuant to subdivision (a), except that there shall be no minimum funding amount for these funds.

[...]

**0250-101-0932—For local assistance, Judicial Branch, payable
from the Trial Court Trust Fund 2,705,376,000**

Schedule:

(1)	0150010-Support for Operation of Trial Courts	2,116,843,000
(2)	0150019-Compensation of Superior Court Judges	417,104,000
(3)	0150028-Assigned Judges	29,090,000
(4)	0150037-Court Interpreters	120,686,000
(5)	0150067-Court Appointed Special Advocate (CASA) program	2,713,000

(6)	0150071-Model Self-Help Program	957,000
(7)	0150083-Equal Access Fund	5,482,000
(8)	0150087-Family Law Information Centers	345,000
(9)	0150091-Civil Case Coordination	832,000
(10)	0150095-Expenses on Behalf of the Trial Courts	11,325,000
(11)	Reimbursements to 0150010-Support for Operation of Trial Courts	-1,000

Provisions:

[....]

8. In order to improve equal access and the fair administration of justice, the funds appropriated in Schedule (7) are available for distribution by the Judicial Council through the Legal Services Trust Fund Commission in support of the Equal Access Fund Program to qualified legal services projects and support centers as defined in Sections 6213 to 6215, inclusive, of the Business and Professions Code, to be used for legal services in civil matters for indigent persons. The Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. Upon approval by the Administrative Director, the Controller shall transfer up to 5 percent of the funding appropriated in Schedule (7) to Item 0250-001-0932 for administrative expenses. Ten percent of the funds remaining after administrative costs shall be for joint projects of courts and legal services programs to make legal assistance available to pro per litigants and 90 percent of the funds remaining after administrative costs shall be distributed consistent with Sections 6216 to 6223, inclusive, of the Business and Professions Code. The Judicial Council may establish additional reporting or quality control requirements consistent with Sections 6213 to 6223, inclusive, of the Business and Professions Code.
9. Funds available for expenditure in Schedule (7) may be augmented by order of the Director of Finance by the amount of any additional resources deposited for distribution to the Equal Access Fund Program in accordance with Sections 68085.3 and 68085.4 of the Government Code. Any augmentation under this provision shall be authorized not sooner than 30 days after notification in writing to the chairpersons of the committees in each house of the Legislature that consider appropriations, the chairpersons of the committees and appropriate subcommittees that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the joint committee, or the chairperson's designee, may determine.

[....]

Legal Services Trust Fund Commission Meeting, November 16, 2018

**PARTNERSHIP GRANTS:
CONSIDERATIONS AND ANALYTICAL APPROACHES
FOR REVIEW OF APPLICATIONS RAISING CERTAIN ISSUES**

The following considerations and analyses have been developed through the historical experience of the Partnership Grants Committee (Committee), which has found them useful as that Committee has reviewed Partnership Grant proposals raising certain issues.

It is intended, by memorializing and confirming these considerations and analytic approaches, to provide the Legal Services Trust Fund Commission (Commission) with more effective assistance and enhanced consistency in decision-making as it annually considers how best to allocate Partnership Grant resources. Additionally, they will also assist applicants in their preparation of proposals for funding that are consistent with the priorities and intentions of the Partnership Grant program.

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

~~In 2017 we confirmed that s~~Self-represented litigants receiving services under a Partnership Grant are not prohibited from forming a confidential relationship with a lawyer, so long as they remain unrepresented when they appear in court. While we will ultimately defer to the court's own determination as to whether the litigant is self-represented, factors impacting this determination include where any attorney's participation takes place, and whether the attorney's name appears on pleadings or in the records of proceedings in court. So long as no appearance is made on the record and no representational activity occurs in court, formation of an attorney-client relationship in and of itself is not inconsistent with the "self-represented" status of a litigant.

Duration of Partnership Grant Funding (Revised November 2018)

~~Note: For comparison, refer to the document "Partnership Grant Five-Year Funding Policy" as adopted by the Commission in July 2017.~~

Historically, Partnership Grants have been awarded as "seed funding," with an initial expectation of funding reductions after the first three years and termination of funding after the fifth year. ~~It has come to the Commission's attention that t~~This model can sometimes lead to valuable, high functioning projects making major changes to their substantive focus or operational model ~~solely for the purpose of retaining just to retain~~ eligibility for Partnership Grant funding beyond the an initial five-year period.

While the Commission continues to prioritize innovative programs, it also seeks to support existing projects that provide valuable services to underserved communities. The following considerations are intended to assist applicants in setting reasonable expectations regarding the expected timeframe for the duration of Partnership Grant support.

~~The Office of Access & Inclusion's priorities regarding the duration of Partnership Grant funding:~~ Matters to be taken into consideration when determining whether to renew Partnership Grant funding include:

Legal Services Trust Fund Commission Meeting, November 16, 2018

- ~~Confirm~~ That Partnership Grants will continue to be awarded with the principal intention of providing seed funding for new projects, which may be renewed annually over an initial five-year period.
- ~~Clarify~~ That Partnership Grant funding may or may not be reduced from year to year during that time, taking into account project strength, demonstrated success, and funding availability.
- ~~Reiterate~~ That the discretionary nature of Partnership Grants, under which the Commission's decisions on continued funding may be contingent upon projects meeting programmatic, administrative, and financial expectations. The Commission retains discretion not to renew funding within the initial five-year timeframe should projects be unable to meet basic expectations.
- ~~Recommend~~ That funding beyond a five-year cycle be considered on a case by case basis. Particular consideration should be given to projects supporting unmet rural needs, programs that have evolved to respond to a recent emergency or disaster, and high-functioning and heavily-utilized projects that have been unable to secure alternate funding despite documented efforts. The foregoing examples are illustrative, not exclusive.
 - Applicants seeking funding beyond a fifth year into a second cycle ~~(of 3 to 5 years)~~ must demonstrate the effectiveness of the project and provide additional justification such as documentation of their pursuit of alternate funding sources, narratives and quantitative data on local needs or circumstances, and/or additional project evaluation such as court feedback, case file review or other such evaluative processes.
 - Projects seeking funding beyond a fifth year will be reviewed with respect to the factors cited above, as well as in comparison to new and other renewing applicants in the areas of program strength, demonstrated success, and funding availability.

Overhead, Administration, and Audit (~~Proposed~~ August 2018)

Partnership Grant funds should pay for actual project expenses or directly related costs – to fund the project, but not the organization. Some programs have used individual line items to identify administrative costs. Others use an Allocated Cost Ratio, which can obscure the relationship between the cited cost and the project activities.

Staff should identify those administrative components of the proposed budget that are tied to project activities, and then should ensure that the Partnership Grant is not charged for any other administrative costs.

- Some non-personnel costs which may be appropriately tied to the project include malpractice insurance and attorney licensing fees.
- As Partnership Grant-funded services should typically be performed primarily at or near the courthouse, which reduces the need for program space and equipment, costs allocated to these lines should be clearly justified in the budget narrative.

Legal Services Trust Fund Commission Meeting, November 16, 2018

- Programs relying on Indirect cost ratios must reduce these to itemized constituent line items that clearly relate to the funded activities, for purposes of Partnership grant budgeting.

Going forward, the Office of Access & Inclusion will revise the budget forms in the Partnership Grant application, to omit the option to charge organizational overhead expenses such as audit, litigation, or contract services for the organization, to these grants. Programs wishing to allocate funds to these kinds of costs will be required to include them as “Other non-personnel” costs, with an attached itemization explaining how each constituent part of this line item is demonstrably tied to project activities.

~~Policy Respecting the Use of Partnership Funding as a Subgrant Covering Wages of Court Staff~~
(~~Proposed~~ August 2018)

While the expectation is that an organization receiving a Partnership Grant will be the primary service provider under that grant, ~~the Commission might determine it is sometimes the case~~ it might be the case that greater efficiencies can be attained by subgranting some services and funding to a court partner that, in partnership with the local provider, can most effectively and efficiently provide new services consistent with the Partnership Grant guidelines and criteria. The following considerations have been identified as relevant in ~~considering~~ determining whether to approve discretionary funding for such a request:

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

In these and all cases, the court must participate in providing feedback and in developing evaluative data. In cases where funding is subgranted to support services provided by court staff, evaluative data will include information on the number of litigants using the service who do not meet the definition of “indigent” found at Business & Professions Code §6213(d).