



DATE: August 13, 2021

TO: Members, Legal Services Trust Fund Commission

FROM: Members, Partnership Grants Committee

SUBJECT: Recommended Timeline and Distribution Plan of Additional Partnership Grant Funding

EXECUTIVE SUMMARY

On July 12, 2021, Governor Newsom signed the Budget Act of 2021 (SB129), appropriating ~~\$65,697,980~~ ~~68,847,067~~ in Equal Access Funds, of which ~~\$6,460,811~~ ~~6,775,720~~ is appropriated for Partnership Grants. Based on the expectation that less money would be available, the Partnership Grant Committee allocated \$2,580,574 on July 13, 2021. This leaves ~~\$3,880,237~~ ~~4,195,146~~ in additional funding to be encumbered or spent by June 30, 2023. The purpose of this memo is to describe the proposed timeline and distribution plan of the additional Partnership Grant funding for the Commission's consideration.

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." 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 Legal Services Trust Fund Commission (Commission) oversees the administration of these grants, delegating primary responsibility for review and recommendations to the Partnership Grants Committee (Committee).

On July 12, 2021, Governor Newsom signed the Budget Act of 2021 (SB129)¹, approving ~~\$65,697,980~~ ~~68,847,067~~ to distribute in Equal Access Funds (Attachment A). This resulted in an

¹ AB 128 was signed and chaptered on June 28, 2021, which initially referenced \$70,392,000 in Equal Access Funds **plus up to a maximum** of \$5,482,000 for filing fees. SB 129 then changed the administrative charge percentages. Of this amount, ~~\$65,697,980~~ ~~68,847,067~~ is available for Equal Access Fund distribution, which subtracts \$5,000,000 appropriated to the California Access to Justice Commission and administrative costs. AB164 was signed on July 16, 2021, which deleted an

unanticipated increase in the available 2022 Partnership Grant funding. The 2022 grant administration cycle had already commenced in February 2021, with the review process concluding on July 29, 2021 with the Partnership Grant Committee recommending grant awards in the amount of \$2,580,574 for the 2022 projects.

DISCUSSION

The Committee met on July 29, 2021 to discuss State Bar and Judicial Council of California staff's proposed distribution plan and timeline for the additional Partnership Grant funding.

GENERAL RECOMMENDATIONS

The Committee first discussed whether the additional funding should be administered as a part of the existing 2022 Partnership Grants cycle, with the grant period of January 1, 2022 – December 31, 2022, or as a separate grant under a new Request for Proposal (RFP).

Given the significant increase in funding, the Committee recognized the opportunity to encourage organizations to submit larger scale projects that could serve substantially more self-represented litigants. When the Committee considered the option to fully fund all current 2022 projects, given the quality of applications submitted and the thorough review process utilizing a scoring rubric, the Committee felt that it recommended the appropriate levels of funding for the proposed projects.

Therefore, the Committee recommends that the additional funding be administered as a separate grant under a new competitive grant process, informally referenced as Partnership Grants 2.0. The Committee also confirmed that applicants for this new funding opportunity would be subject to the same threshold eligibility requirements required of all Partnership Grant grantees. Pursuant to the budget bill language, applicants will also be subject to mid-year reporting requirements.

APPLICANT OPTIONS

To encourage interest from both current grantees and first-time applicants, the Committee recommends that two options be offered to potential applicants for Partnership Grant 2.0:

Option 1: Supplemental Application

Under this option, applicants may apply for supplemental funding for an existing 2022 Partnership Grant project. This option would only be available for the 36 projects recommended for funding (Attachment B)². In addition, option 1 would limit applicants from

incorrect reference to Partnership Grants in the approved Homelessness Prevention funds. AB 164 does not impact the Partnership Grants funding as described in SB 129.

² On July 29, 2021 the Partnership Grants Committee recommended a total of \$2,580,574 be allocated for the 2022 proposed Partnership Grant projects for the grant period of January 1, 2022 – December 31, 2022. The recommendation will be reviewed

requesting funding amounts that would exceed their original total requested amount. For example, if an applicant applied for a \$100,000 Partnership Grant, but was allocated \$75,000, it would only be able to apply for supplemental funding up to \$25,000.

With the recent implementation of the scoring rubric, the Committee wanted to provide an opportunity for 2022 applicants to improve their applications and demonstrate why supplemental funding should be awarded. If applicants choose this option, staff will provide the full rubric score breakdown, including feedback from the Committee, and provide technical assistance as necessary.

The typical grant period for Partnership Grants is January 1 – December 31. Since this funding would be used to supplement the 2022 Partnership Grant projects, the Committee proposes a shortened supplemental grant period of April 1, 2022 – December 31, 2022. It is expected that grantees would implement their projects as proposed in January and receive this funding during the course of the 2022 grant year.

Option 2: New Application

Under this option, applicants would complete and submit a new application. The intent of this option is to encourage applicants to develop unique and larger scope projects or propose a substantial expansion to an existing project. Applicants eligible under option 1 may also apply for funding under option 2. For this option, the Committee recommends an extended 21-month grant period from April 1, 2022 – December 31, 2023.

In recognition of the substantial increase in funding, the 2021 Budget Act specifically provides that these funds are available for encumbrance or expenditure until June 2023, giving programs more flexibility than in prior budget years. Since funds will be encumbered by June 30, approved grantees will be permitted to spend down through December 31, 2023.

Due to the amount of additional funding available and to provide further guidance to applicants, the Committee recommends a minimum funding request of \$75,000 and a maximum funding request of \$300,000. The Committee recommends that the award amount be spent down in the grant period, and that no carryovers be permitted. The Committee acknowledges that a 21-month grant period is unique and anticipates that future Partnership Grants will be administered in the typical annual grant cycle.

In order to expedite administration and distribution of funding, the Committee recommends utilizing the same scoring rubric used for the 2022 Partnership Grant review process for the new application options. Under option 1, current applicants could rely on previously understood selection criteria and expectations. Leveraging the same scoring rubric for option 2 would provide continuity for all applicants and consistency in the review process for the

for approval by the Commission at its August 13, 2021 meeting and considered by the Judicial Council at their September 30 – October 1, 2021 meeting. Staff anticipates that this funding will be distributed in January 2022.

Committee. While the Committee agreed that the scoring rubric could be better refined, they deferred recommending any adjustments until the administration of 2023 grants.

Additional Considerations

While the Committee hopes to distribute the additional ~~\$3,880,237~~ ~~4,195,146~~ as described above, any unallocated Partnership Grant funding will be returned back to the general Equal Access Fund for formula distribution to IOLTA/EAF eligible QLSPs and Support Centers.

To encourage new applicants, the Committee discussed plans for targeted outreach to formerly funded Partnership Grant projects, applicants that initiated but did not submit a 2022 Partnership Grant application, QLSPs serving rural counties and QLSPs providing services in specific substantive areas. Staff will also work with Judicial Council staff to coordinate outreach to the Courts and Self-Help Centers.

Proposed Timeline for Partnership Grants 2.0

The Committee recommends the following proposed timeline for the Partnership Grants 2.0, with a distribution date of April 1, 2022:

Date(s)	Activity
August 13, 2021	Legal Services Trust Fund Commission meeting to approve recommended distribution plan
September 30 – October 1, 2021	Judicial Council meeting to approve distribution plan
October 2021	Initial outreach to QLSPs and Courts
November 4, 2021	Partnership Grants Committee meeting to finalize RFP concepts
November 12, 2021	Release RFP
November 2021	Webinar for Potential Applicants
December 17, 2021	Deadline to submit RFP
January – February 2022	Application Review
February 2022	Partnership Grant Committee meeting to approve applications and grant amounts
March 2022	Legal Services Trust Fund Commission meeting to approve applications and grant amounts
April 1, 2022 – December 31, 2022	Option 1 grant period
April 1, 2022 – December 31, 2023	Option 2 grant period

RECOMMENDATION

Should the Legal Services Trust Fund Commission concur with the Committee's proposal, the Committee recommends passing the following resolutions:

RESOLVED, that the Legal Services Trust Fund Commission approves the proposed timeline and distribution plan for Partnership Grants 2.0.

ATTACHMENT(S) LIST

- A.** Senate Bill 129, Budget Act of 2021, Item 0250-101-001 of Section 4.00 and Item 0250-101-0932 of Section 5.00
- B.** 2022 Recommended Partnership Grant Projects

Senate Bill 129 (Excerpts)

SEC. 4. Item 0250-101-0001 of Section 2.00 of the Budget Act of 2021 is amended to read:

0250-101-0001—For local assistance, Judicial Branch 236,603,000

Schedule:

(5) 0150083-Equal Access Fund 70,392,000

Provisions:

1. In order to improve equal access and the fair administration of justice, the funds appropriated in Schedule (5), after distribution of the \$5,000,000 appropriated in Provision 2, 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. Up to 10 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 not less than 90 percent of the funds in Schedule (5) shall be distributed consistent with Sections 6216 to 6223, inclusive, of the Business and Professions Code. Any funding not allocated for joint projects shall be redistributed 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. Of the amount appropriated in Schedule (5), not more than 2.5 percent shall be available, upon order of the Department of Finance, for administrative costs of the Judicial Council and the State Bar.
2. In order to improve equal access and the fair administration of justice, \$5,000,000 shall be annually appropriated in Schedule (5) by the Judicial Council to the California Access to Justice Commission for grants to civil legal aid nonprofits, including qualified legal services projects and support centers as defined in Sections 6213 to 6215, inclusive, of the Business and Professions Code, to be used to support the infrastructure and innovation needs of legal services in civil matters for indigent persons. Of this amount, not more than 1 percent shall be available for administrative costs of the California Access to Justice Commission associated with distributing and monitoring the grants.

3. The California Access to Justice Commission shall make award determinations for grants described in Provision 2. In awarding these grants, preference shall be given to qualified legal aid agencies' proposals that focus on services to rural or underserved immigrant communities regardless of citizenship status and proposals that are innovative or that involve partnership with community-based nonprofits. Any funding not allocated in a given fiscal year shall be reallocated pursuant to Provision 1.
4. The grant process described in Provision 2 shall ensure that any qualified legal service project and support center demonstrates a high need for infrastructure and innovation to ensure that funding is distributed equitably among qualified legal service projects and support centers. The qualified legal service project or support center shall demonstrate that funds received under this provision will not be used to supplant existing resources.
5. The funds appropriated in Schedule (5) are available for encumbrance or expenditure until June 30, 2023.
6. The State Bar shall annually provide to the Judicial Council a report that includes funding allocations, annual expenditures, and program outcomes by service area and service provider for all Equal Access Fund and federal funding. Data shall be reported using the established reporting framework in the Equal Access Program including applicable outcome measures reported in Legal Services standardized reporting, state level performance measures, and main benefits scores. The Judicial Council shall provide this report to the Department of Finance by January 1 of each year for the prior fiscal year

SEC. 5. Item 0250-101-0932 of Section 2.00 of the Budget Act of 2021 is amended to read:

0250-101-0932—For local assistance, Judicial Branch, payable from the Trial Court Trust Fund..... 236,603,000

Schedule:

(7) 0150083-Equal Access Fund 5,482,000

Provisions:

8. In order to improve equal access and the fair administration of justice, the funds appropriated in Schedule 8. (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 6221, 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 9. 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.

	A	B	N	O	P	Q	U	V	Y	AA
1	2022 Partnership Grant Funding Recommendations									
2	Completed at the July 29, 2021 Partnership Grant Committee Meeting									
3										
4	Total Amount Requested:	\$3,094,000								
5	Total Amount Available:	\$2,580,574								
6	2021 Amount Awarded (for reference)	\$2,420,000								
7			Rubric Score							
8	Organization	Project Title	Selection Criteria Total	Funding Priority	Innovation	TOTAL	Total Amount Requested	2021 Award Allocation	PG Committee Tentative Funding Recommendation (as of May 7, 2021)	PG Committee Funding Recommendations (as of July 29, 2021)
9	Bet Tzedek Legal Services	Decedent's Estate Self-Help Clinic (NEW)	63	20	2	85	\$ 120,000	N/A	\$ 120,000	\$ 120,000
10	Bet Tzedek Legal Services	Remote Pro Se Technology Initiative (NEW)	63	20	6	89	\$ 150,000	N/A	\$ 120,000	\$ 120,000
11	California Rural Legal Assistance, Inc.	San Joaquin Housing Helpline Court Clinic Partnership (NEW)	59	20	3	82	\$ 137,000	N/A	\$ 120,000	\$ 120,000
12	Central California Legal Services	Tulare County Unlawful Detainer Workshop	62	16	0	78	\$ 75,000	\$ 68,680	\$ 70,000	\$ 70,000
13	Central California Legal Services	Tenant/Landlord Housing Law Project	51	16	0	67	\$ 72,000	\$ 68,680	\$ 60,000	\$ 60,000
14	Central California Legal Services	Guardianship Project	43	12	0	55	\$ 65,000	\$ 58,868	\$ 41,000	\$ 41,000
15	Community Legal Aid SoCal	Compton Self-Help Economic Expansion Project (NEW)	54	20	2	76	\$ 92,000	N/A	\$ 92,000	\$ 92,000
16	Community Legal Aid SoCal	Orange County Consumer Debt Workshop/Clinic	54	16	0	70	\$ 29,000	\$ 22,566	\$ 23,000	\$ 23,000
17	Community Legal Aid SoCal	Unlawful Detainer Workshop - Norwalk Courthouse	55	12	0	67	\$ 66,000	\$ 68,680	\$ 60,000	\$ 60,000
18	Elder Law & Advocacy	Imperial County Unlawful Detainer Clinic	54.7	17.3	0	72.0	\$ 74,000	\$ 69,661	\$ 74,000	\$ 74,000
19	Family Violence Law Center	Domestic Violence Pro Per (DVPP) Project	56.7	12	0	68.7	\$ 25,000	\$ 24,528	\$ 21,000	\$ 21,000
20	Inland Counties Legal Services	Consumer Rights Clinic	54	12	0	66	\$ 95,000	\$ 92,227	\$ 88,000	\$ 88,000
21	Justice & Diversity Center of the Bar Association of San Francisco	Shriver - SASH Self-Help	54	16	0	70	\$ 71,000	\$ 39,246	\$ 36,000	\$ 36,000
22	LACBA Counsel for Justice	LACBA-Domestic Violence Legal Services Project	63	16	0	79	\$ 99,000	\$ 89,284	\$ 80,000	\$ 80,000
23	Legal Access Alameda	Family Law Settlement Conference	58	12	0	70	\$ 65,000	\$ 63,774	\$ 61,000	\$ 61,000
24	Legal Access Alameda	Family Law Day of Court	63	12	0	75	\$ 30,000	\$ 29,434	\$ 25,000	\$ 25,000
25	Legal Aid Foundation of Los Angeles	2022 - Torrance Self-Help Center	63	16	0	79	\$ 100,000	\$ 88,302	\$ 84,000	\$ 84,000
26	Legal Aid Foundation of Santa Barbara County	Legal Resource Center Partnership	56	12	2	70	\$ 125,000	\$ 114,793	\$ 115,000	\$ 115,000
27	Legal Aid of Marin	Homelessness Prevention through Mandatory Settlement Conferences	64	20	1	85	\$ 80,000	\$ 78,491	\$ 80,000	\$ 80,000
28	Legal Aid Society of San Bernardino	Caregivers and Small Estates Accessing Justice	51	12	0	63	\$ 138,000	\$ 98,114	\$ 85,000	\$ 85,000
29	Legal Aid Society of San Diego	Name Change & Gender Marker Change Self-Help Clinic	54	12	4	70	\$ 85,000	\$ 83,397	\$ 75,000	\$ 75,000
30	Legal Aid Society of San Diego	Unlawful Detainer Clinic Expansion Project	64	12	0	76	\$ 80,000	\$ 78,491	\$ 72,574	\$ 72,574
31	Legal Assistance for Seniors	Partnership to Assist Limited Conservatorship Litigants	54	12	0	66	\$ 87,000	\$ 63,774	\$ 60,000	\$ 60,000
32	Legal Assistance for Seniors	Partnership to Assist Guardianship Litigants	54	8	0	62	\$ 67,000	\$ 63,774	\$ 48,000	\$ 48,000
33	Legal Services of Northern California	Yolo Consumer Clinic	59	20	0	79	\$ 67,000	\$ 62,000	\$ 67,000	\$ 67,000
34	Neighborhood Legal Services	STABILIZING FAMILIES PARTNERSHIP GRANT	54	16	0	70	\$ 102,000	\$ 98,114	\$ 100,000	\$ 100,000
35	Neighborhood Legal Services	CHATSWORTH CONSUMER TECHNOLOGY PARTNERSHIP GRANT	54	16	0	70	\$ 100,000	\$ 88,302	\$ 90,000	\$ 90,000
36	Neighborhood Legal Services	PASADENA CONTINUUM OF SERVICES	54	16	0	70	\$ 105,000	\$ 79,472	\$ 81,000	\$ 81,000
37	Public Counsel	Guardianship Clinic	59	8	2	69	\$ 60,000	\$ 29,434	\$ 22,000	\$ 22,000
38	Public Law Center	DeFacto & Adoptive Parent Assistance Project	59	16	0	75	\$ 50,000	\$ 49,057	\$ 47,000	\$ 47,000
39	Public Law Center	Orange County Courthouse Guardianship Clinic	54	12	0	66	\$ 60,000	\$ 39,246	\$ 32,000	\$ 32,000
40	Riverside Legal Aid	Small Estates Partnership	46	8	0	54	\$ 110,000	\$ 98,114	\$ 70,000	\$ 70,000
41	San Diego Volunteer Lawyer Program	Central Division Restraining Order Clinic	61.7	16	4	81.7	\$ 130,000	\$ 98,114	\$ 93,000	\$ 93,000
42	San Luis Obispo Legal Assistance Foundation	San Luis Obispo County Rental Clinic	64	20	3	87	\$ 115,000	\$ 98,114	\$ 110,000	\$ 110,000
43	Santa Clara University Alexander Law Center	Consumer Debt Clinic	54	12	0	66	\$ 60,000	\$ 58,868	\$ 50,000	\$ 50,000
44	Senior Citizens Legal Services	Indigent Landlord/Tenant Services and Mediation (NEW)	65	20	5	90	\$ 108,000	N/A	\$ 108,000	\$ 108,000
45										
46							\$ 3,094,000	\$ 2,163,599	\$ 2,580,574	\$ 2,580,574
47										
48								Available	\$ 2,580,574	\$ 2,580,574
49								Balance	\$ -	\$ -