



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

NOVEMBER 2021

LEGAL SERVICES TRUST FUND COMMISSION

PARTNERSHIP GRANTS COMMITTEE IV.D.

DATE: November 4, 2021

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 2023 Partnership Grants

EXECUTIVE SUMMARY

Last year, the Partnerships Grants Committee (PG Committee) utilized a scoring rubric for the first time to review 2022 Partnership Grant applications. The rubric was developed at the direction of the Board of Trustees (Board) and was based on both existing grant requirements, approved policies, and office practices. Following the completion of the 2022 review cycle, applicants and grantees provided feedback about the rubric and the LSTFC Rules Committee met to discuss the review process for the State Bar's competitive discretionary grants. Based on these updates, staff recommends that PG Committee recommend, and the Legal Services Trust Fund Commission (LSTFC) approve, the scoring rubric described in this agenda item for review and evaluation of the 2023 Partnership Grant applications. The 2023 rubric is substantially similar to the one used for the 2022 Partnership Grants review process but has revised definitions to align with recommendations from the LSTFC Rules Committee.

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 (LSTFC)

oversees the administration of these grants, delegating primary responsibility for review and recommendations to the Partnership Grants (PG) 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 LSTFC have provided general guidance to help organizations identify projects that best fulfill the goals and intention of the Partnership Grants program.

The 2023 Partnership Grants term is from January 1, 2023 to December 31, 2023 and is a separate funding opportunity from the PG 2.0 grants, which will have an overlapping grant term. Staff anticipates that 2023 grant applications will be released in January and due in March 2022, with the review cycle commencing in March or April 2022.

DISCUSSION

The PG Committee first utilized a formal scoring rubric during review of the 2022 Partnership Grant applications. The rubric assigned point values to defined categories, based on existing selection criteria outlined in the Partnership Grants Request for Proposal (RFP) (see Attachment B). Point values were also assigned based on policies approved by the LSTFC in 2017 and 2018 in 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.

With the implementation of the 2022 Partnership Grants scoring rubric, several processes were developed to ensure consistent scoring and interpretation of the rubric categories by the Review Teams, which were comprised of two PG Committee members and one staff member. After staff confirmed that all projects met threshold eligibility requirements, staff and committee members participated in several score calibration sessions. Proposals were then scored by the Review Teams and then discussed by the full PG Committee before developing tentative and final funding recommendations.

Following the application review process, both PG Committee members and 2022 Partnership Grants applicants were sent a survey to obtain feedback on the scoring rubric and updated review process. These results were discussed at the committee's June 18 and July 29 meetings, respectively. Overall, both the committee and applicants found the scoring rubric helpful in reviewing applications and completing proposals, and easy to use and understand. While there was some administrative feedback to further improve the review process, no substantive changes were recommended to the 2022 scoring rubric.

CODIFICATION PROCESS REGARDING DISCRETIONARY GRANTS

To ensure transparency, ease of administration, and clarity for grantee applicants, the LSTFC Rules Committee is working to gather, codify, and revise, as necessary and appropriate, all of the decision points and considerations related to the grant administration process. One of the topics addressed this year was the review process for the State Bar's competitive discretionary grants.

On August 24, 2021, the LSTFC Rules Committee made the following recommendations regarding the competitive discretionary grants review process, which is currently pending LSTFC approval:

- Codify the use of a scoring rubric for all competitive discretionary grants, including streamlined categories and definitions
- Maintain committee discretion in determining point allocations and additional categories
- Maintain committee discretion regarding the application review process for competitive discretionary grants

PROPOSED 2023 SCORING RUBRIC

Given the positive feedback regarding the 2022 scoring rubric from both applicants and the PG Committee and the Rules Committee's recommendations, staff recommends use of a substantively similar scoring rubric for 2023 Partnership Grants, with updates to definitions in line with the recommendations from the Rules Committee.

Streamlined Definitions

In an effort to ensure consistency across all the State Bar's competitive discretionary grants, the Rules Committee developed streamlined definitions for overlapping selection criteria categories. Staff recommends that the PG Committee adopt the Rules Committee's proposed definitions for Project Impact, Administration, Continuity Planning, and Evaluation in the 2023 scoring rubric. The proposed definitions are substantively similar to the definitions in the 2022 RFP but provide additional clarity and consistency for potential applicants who may be applying for multiple competitive discretionary grants.

Below is the proposed 2023 Partnership Grants scoring rubric with the updated definitions:

ELIGIBILITY REQUIREMENTS			
Please select "yes" or "no" for each requirement.			
Applicant is a Qualified Legal Services Project	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Proposal is jointly developed and implemented by a California State court and services are delivered at or near the courthouse.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Proposed services will be provided only to indigent persons, as defined under Business and Profession Code §6213(d).	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If NO, has the project identified non-Partnership Grant funds that will cover this work?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A

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).	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If NO, has the project identified non-Partnership Grant funds that will cover this work?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A

DEFINITIONS	
Exceeds 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.

SELECTION CRITERIA (80 PTS)			
Checkmark the appropriate ranking for each category, and then multiply by the number below. Add sub-scores from A and B to get the total points for this section.			
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 describe the needs of the targeted population and how anticipated outcomes of the proposed activity(ies) will have a meaningful impact on this population. Outcomes may include the number of people served, nature of the impact, and other project deliverables that will			

be achieved with this grant funding during the grant period.			
A. Number of Check Marks	X20=	X15=	X10=
Subtotal (A)			
<u>Administration</u> A successful proposal will demonstrate the ability and capacity to implement and manage the proposed activity(ies). Strong administration includes adequate staffing, leadership, and oversight of project monitoring, outreach, and resource development. An applicant's historical demonstration of its ability to meet goals from prior grants and timely reporting of results/outcomes will also be considered under this category.			
<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 proposal will be able to articulate how its proposed services might continue beyond the grant period and comprehensive details on how sustainability might be achieved beyond simply stating a general intent to secure additional funding. This may include Identifying how the proposed project fits within current organizational programming, and whether the project is replicable or scalable			
<u>Evaluation</u> A successful proposal will incorporate meaningful evaluation plans and metrics that effectively demonstrate whether and how the project's planned goals are being achieved. This may include a clear statement of the project goals, strategies to be used to achieve those goals, evaluation methods to be used to make any mid-course adjustments to the delivery model, and evaluation methods to gauge the success of the project. Returning organizations applying for the same funding opportunity will also need to address prior evaluation outcomes and metrics.			
B. Number of Check Marks	X10 =	X6 =	X3 =
Subtotal (B)			
Selection Criteria Total (A+B)			

FUNDING PRIORITIES (20 PTS)

Keeping the funding priorities in mind, determine the number points you wish to score this project and then multiply by the number below.

<ol style="list-style-type: none"> 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. 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. 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 =

FUNDING PRIORITIES (20 PTS)

Keeping the funding priorities in mind, determine the number points you wish to score this project and then multiply by the number below.

<ol style="list-style-type: none"> 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. 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. 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:		

The rubric will be presented for approval at the November 17 LSTFC meeting. Given the ongoing codification process regarding the review process for discretionary competitive grants, staff proposes that this rubric be implemented only for the 2023 Partnership Grants administration.

RECOMMENDATIONS

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 2023 Partnership Grants scoring rubric, as referenced in this memo.

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

FURTHER RESOLVED, that the Legal Services Trust Fund Commission approves the 2023 Partnership Grants scoring rubric, as recommended by the Partnership Grants Committee.

ATTACHMENT(S) LIST

- A.** 2022 Partnership Grant Request for Proposal s



The State Bar
of California

OFFICE OF ACCESS & INCLUSION

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

This document provides information for organizations interested in submitting proposals for Partnership Grants. Organizations should review this document to ensure that the proposed projects are eligible for this funding, and that their proposals describe those activities in a manner that best addresses the principal concerns of the funding authorities.

Partnership Grants are competitive and discretionary. Project proposals must be submitted on SmartSimple by **5:00 p.m. on Thursday, March 18, 2021**.

If you have any questions, please contact Christal Bundang at christal.bundang@calbar.ca.gov.

BACKGROUND

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

Partnership Grants are awarded through a competitive process. The Commission reviews and compares all eligible proposals and makes funding recommendations to the Judicial Council. Grants are awarded for a one-year period commencing January 1. Decisions of the Commission, as approved by the Judicial Council, are final; there is no appeals process. Due to the limited availability of funding, all proposals may not be funded. Historically, projects have been funded in a range from \$20,000 to \$100,000. Grant award allocations also vary based on available funding. For the 2021 grant year, a total of \$2.42 million was awarded to 35 eligible projects.

Partnership Grants are primarily intended to support new projects. Consideration will also be given to ensure that this funding supports projects serving a diverse range of geographic areas, substantive issues, and client constituencies. Projects seeking funding beyond five consecutive years will be more closely reviewed by the Commission in terms of overall project strength and other selection criteria.

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

2022 PARTNERSHIP GRANTS SCORING RUBRIC

In an effort to provide transparency and equity in the review process, the Committee will be using a new scoring rubric as a tool to help guide review of all eligible proposals. As this is the first time implementing a rubric for Partnership Grants, the Commission will revisit during the codification process and solicit feedback from applicants.

The rubric is comprised of four sections - Eligibility Requirements, Selection Criteria, Funding Priorities, and Innovation. Initial rubric scores will be shared with applicants, who will have an opportunity to improve their scores, by providing additional information or addressing initial concerns. Note that the Commission still maintains its discretion when determining funding recommendations.

Eligibility Requirements

This section is not weighted. Applicants must meet the following criteria to be eligible to submit a proposal:

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

If the proposed project will be serving non-indigent persons or if individuals will be engaged in civil litigation, the project must identify non-Partnership Grant funds that will be used to cover this work.

Selection Criteria (80 points)

Based on responses provided in the proposal, the Committee will score each sub-section as “Exceeds Expectations,” “Meets Expectations,” or “Below Expectations” with corresponding multipliers for a maximum of 80 points.

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Generally, responses that provide relevant and detailed information, such as metrics or specific examples would be scored favorably. Responses that do not appear responsive to the selection criteria's description may be considered "below requirements."

Funding Priorities (20 points)

In 2018, the Commission approved the following policy regarding funding priorities:

"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. This model can sometimes lead to valuable, high functioning projects making major changes to their substantive focus or operational model for the purpose of retaining eligibility for Partnership Grant funding beyond the 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.

Matters to be taken into consideration when determining whether to renew Partnership Grant funding include:

- 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.
- 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.
- 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.
- That funding beyond a fifth-year cycle be considered on a case by case basis. Particular consideration should be given to projects supporting unmet rural needs, program 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 must demonstrate the effectiveness of the project and provide additional justification such as documentation of their pursuit of alternate funding sources, narratives

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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.”

The Commission will exercise its discretion and score the project 1-5 based on funding priorities. That number will be multiplied by 4 for a maximum section score of 20 points.

Optional – Innovation (up to 10 points)

The Commission encourages innovative projects and may award up to 10 bonus points for innovation.

Examples of innovation may include:

- Projects that involve courts that have not had projects in a long time
- Projects with models that were tried/successful in other jurisdictions, but are new to the court
- Initial projects in a case type (first consumer program, first conservatorship program, etc.)
- Projects testing new ways of providing services.

ELIGIBILITY REQUIREMENTS			
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Proposal is jointly developed and implemented by a California State court and services are delivered at or near the courthouse.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Proposed services will be provided only to indigent persons, as defined under Business and Profession Code §6213(d).	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If NO, has the project identified non-Partnership Grant funds that will cover this work?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
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).	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
If NO, has the project identified non-Partnership Grant funds that will cover this work?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A

DEFINITIONS	
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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.

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<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=
Subtotal (A)			
<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.			

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Continuity Planning A successful project will adequately describe meaningful continuity planning efforts, such as pursuing other sources of funding, recruitment of volunteers, and in-kind support.			
Evaluation 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 =
Subtotal (B)			
Selection Criteria Total (A+B)			

FUNDING PRIORITIES (20 PTS)

Keeping the funding priorities in mind, determine the number points you wish to score this project and then multiply by the number below.

<ol style="list-style-type: none"> 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. 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. 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 10 PTS)

The Committee may exercise discretion in awarding points for innovation. Based on your review of the proposal, determine if wish to score additional points for innovation and provide your reason(s) below.

Additional points will be awarded to successful proposals that demonstrate innovation.	YES	NO
Bonus Points Awarded (1-10 pts)		
Reason(s) for awarding bonus points for innovation:		

OTHER POLICIES REGARDING ADMINISTRATION OF PARTNERSHIP GRANTS

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

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

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

Overhead, Administration, and Audit (August 2018)

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

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

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

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

- The contract governing the relationship between the grant recipient organization and the court must clearly specify that grant-funded court staff will only work on project activities, not on other duties that might be assigned by the court.
- The contracted staff must follow the Guidelines for the Operation of Self-Help Centers, with particular regard to ensuring the court's neutrality as to the fact that services are

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being provided, the manner in which they are provided, and the persons to whom they are provided.

- The services funded would not otherwise be provided by the court, but for the Partnership Grant. The Partnership Grant shall not supplant existing funding or services.
- The project budget must include additional funding sufficient to assist litigants who do not qualify to be served with Partnership Grant funding.
- In these and all cases, the court must participate in providing feedback and in developing evaluative data. Where funding is sub-granted to the court partner for payment of court staff, this evaluative data will include information on the number of litigants using the service who do not meet the definition of “indigent” found at Business & Professions Code §6213.

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

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