



# 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 Friday, March 17, 2023**.

If you have any questions, please contact Christal Bundang at [christal.bundang@calbar.ca.gov](mailto:christal.bundang@calbar.ca.gov).

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#### 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, grant award allocations vary and all proposals may not be funded. For the 2023 grant year, 30 eligible projects were funded in a range from \$25,000 to \$159,000 for a total of \$2.79 million.

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.

At the conclusion of each grant year, Partnership grantees must submit a comprehensive report and evaluation on the use and impact of these funds, and continuing projects must describe

their plans for obtaining funding from other sources to support these projects after the termination of Partnership Grant support.

## **2023 PARTNERSHIP GRANTS SCORING RUBRIC**

In an effort to provide transparency and equity in the review process, the Committee will use a scoring rubric as a tool to help guide review of all eligible proposals.

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. For projects applying for continued funding, the Commission may also consider an applicant's past performance when scoring relevant rubric sections such as Project Impact and Evaluation. The Commission maintains 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.
- 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 (85 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.

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 (15 points)**

The Commission will exercise its discretion and score the project 1-3 based on funding priorities. That number will be multiplied by 5 for a maximum section score of 15 points.

In making decisions regarding funding priorities, the Commission will consider factors that include, but are not limited to:

- Whether the project is new. A goal of Partnership Grant funding is to provide support for effect projects, which may be renewed for an initial five-year period. The Commission maintains discretion to determine what is considered a new project, and may consider factors, that include, but are not limited to, whether the project was previously or currently funded or proposes a substantial change to an existing service delivery model.
- Whether the project supports unmet rural needs, even if operating beyond a fifth year.

**Optional – Innovation (up to 5 points)**

The Commission encourages innovative projects and may award up to 5 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.

<b>ELIGIBILITY REQUIREMENTS</b>			
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..	<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

<b>DEFINITIONS</b>	
<b>Exceeds Expectations</b>	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.
<b>Meets Expectations</b>	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
<b>Below Expectations</b>	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.

<b>SELECTION CRITERIA (85 PTS)</b>			
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.			
<b>CATEGORY &amp; DESCRIPTION</b>	<b>Exceeds Expectations</b>	<b>Meets Expectations</b>	<b>Below Expectations</b>
<b><u>Court Involvement</u></b> A successful proposal will indicate: <ul style="list-style-type: none"> <li>• significant cooperation between the partner court and legal services organization,</li> <li>• integration with other court-based services and</li> <li>• 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.</li> </ul>			
<b><u>Project Impact</u></b> A successful proposal will clearly describe the needs of the targeted population and how anticipated outcomes and related budget 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.			
<b>A. Number of Check Marks</b>	<b>X20=</b>	<b>X15=</b>	<b>X10=</b>
<b>Subtotal (A)</b>			

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<b><u>Administration</u></b> 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.			
<b><u>Continuity Planning</u></b> A successful proposal will address whether its proposed services can continue with funds other than those provided by Partnership Grants and provide details of past efforts and future plans to secure such alternate funding.			
<b><u>Evaluation</u></b> 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>B. Number of Check Marks</b>	<b>X15 =</b>	<b>X10 =</b>	<b>X5 =</b>
<b>Subtotal (B)</b>			
<b>Selection Criteria Total (A+B)</b>			

**FUNDING PRIORITIES (15 PTS)**

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

In making decisions regarding funding priorities, the commission will consider factors that include, but are not limited to: <ul style="list-style-type: none"> <li>Whether the project is new. A goal of Partnership Grant funding is to provide support for effective projects, which may be renewed for an initial five-year period. The commission maintains discretion to determine what is considered a new project, and may consider factors, that include, but are not limited to, whether the project was previously or currently funded or proposes a substantial change to an existing service delivery model.</li> <li>Whether the project supports unmet rural needs, even if operating beyond a fifth year of funding.</li> </ul>	3   2   1
<b>Funding Priority Total Score</b>	<b>X5 =</b>

**OPTIONAL - INNOVATION (up to 5 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
<b>Bonus Points Awarded (1-5 pts)</b>		
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

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.