



The State Bar of California

OPEN SESSION

AGENDA ITEM

JANUARY 2023

LSTFC LAW SCHOOL FELLOWSHIP GRANTS COMMITTEE 3.1

DATE: January 23, 2023

TO: Members, Law School Fellowship Grants Committee

FROM: Dennis Tim Yee, Senior Program Analyst, Office of Access & Inclusion
Elizabeth Hom, Program Director, Office of Access & Inclusion

SUBJECT: Selection Criteria and Other Parameters for the 2023 Law School Fellowship Grants

EXECUTIVE SUMMARY

On September 18, 2022, Governor Gavin Newsom signed Assembly Bill 2958 (AB 2958).¹ AB 2958 amends section 6140.03 of the Business and Professions Code to increase by five dollars the contribution collected as part of the attorneys' annual license fee to support Interest on Lawyers' Trust Accounts (IOLTA) funded organizations. According to the amended statute, the additional five dollars "shall be allocated to qualified legal services projects [QLSPs] or qualified support centers... to fund law student summer fellowships for the purpose of supporting law students interested in pursuing a career in legal services for indigent persons."²

AB 2958 specifies that grants for law student summer fellowships shall be allocated pursuant to a competitive grant process administered by the Legal Services Trust Fund Commission (LSTFC). The State Bar must use the IOLTA funding formula to reallocate to QLSPs and support centers any funds that remain as of January 1, 2025.³

¹ See AB 2958, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2958

² Business and Professions Code section 6140.03(b)(1).

³ Business and Professions Code section 6140.03(b)(2)-(4). The IOLTA funding formula is in Business and Professions Code section 6216.

This memo recommends to the Law School Fellowship Grants Committee selection criteria and other parameters for administering these competitive awards for summer 2023.

BACKGROUND

There is a significant gap in access to civil legal assistance for low-income individuals and households in the state, which is compounded by the legal aid sector's recruitment and retention crisis.⁴ Low legal aid salaries, high student debt load, and other factors impact attorneys'—particularly attorneys of color—ability to remain long-term in legal aid jobs. This has significant impacts on access to justice for low-income Californians, including the costs of time and resources to recruit and train new attorneys, additional workload for remaining attorneys and advocates, and ultimately, on availability of much needed legal services for clients in need. To bridge the justice gap, it is important to address recruitment and retention challenges, support the pipeline of legal aid professionals, and encourage careers in public interest organizations. According to the California Justice Gap Study, interning at a public interest organization is the strongest predictor of whether a law student will continue to pursue a public interest career after graduation. Providing funding for summer fellowships can encourage law students to consider careers in public interest and increase the pipeline of attorneys into legal aid.

For several years, the Legislature authorized a \$40 contribution as part of lawyers' annual licensing fees for the support of legal services. Attorneys are permitted to "opt out" of paying this \$40. In 2021 and 2022, the Legislature increased the amount of this opt-out by \$5 to fund competitive grants for QLSPs and support centers to hire participants in the State Bar's Provisional Licensure Program. The Legislature continued the \$5 increase of opt-out amount in 2023 and 2024 to allocate competitive grants for QLSPs and support centers to fund law student summer fellowships. Any funds left over from the grants as of January 1, 2025, will go to QLSPs and supports centers via the IOLTA funding formula.⁵

To supplement the 2023 Law School Fellowship grants, the State Bar is partnering with California ChangeLawyers (ChangeLawyers,) a statewide foundation that provides scholarships, skills-based workshops, programming, and mentorship to support law students and recent law

⁴ See 2019 *California Justice Gap Study*, <https://www.calbar.ca.gov/Access-to-Justice/Initiatives/California-Justice-Gap-Study>; *Justice at Risk: More Support Needed for Legal Aid Attorneys in California*, <https://www.dropbox.com/s/i0j9w6zyyxyqsb/CA%20RR%20Report%20final%20revised%20021420.pdf?dl=0>; and *Legal Aid Recruitment, Retention, and Diversity: A Report to the State Bar of California*, <https://calatj.org/publication/legal-aid-recruitment-retention-and-diversity-2022/>

⁵ Business and Professions Code section 6140.03(b)(1). The statute further instructs that the entire five-dollar increase from each licensee who contributes must go to QLSPs and support centers without any deductions for State Bar costs. *Id.*

students graduates in public interest careers. Fellows selected by grantees for the 2023 Law School Fellowship grants will join ChangeLawyers's cohort of fellows and be able to participate in workshops, training, and networking opportunities to support their professional and career development.

To gather information about current summer law student programs, the Legal Aid Association of California (LAAC) conducted a survey among IOLTA-funded organizations, which covered topics including the number of summer law students, the duration of the program, compensation amounts and methods, plans for the 2023 summer internship program, and how outside funding is considered. The unpublished responses showed that IOLTA organizations have diverse approaches to their summer law student programs. Of the 44 organizations that responded, 40 had summer programs in 2022. These summer programs ranged from 6 to 19 weeks, with a majority (24 organizations) offering 10 weeks. The number of summer law students at organizations varied widely, with a range of 1 to 40, and the majority (31 organizations) hosting 1 to 6 summer law students. Of the 40 responding organizations, 23 provided compensation to their summer law students while 17 did not. Of those that compensate law students, 7 organizations considered outside funding and scholarships when determining the level of compensation, and contributed additional funds to ensure all summer law students receive the same amount. Compensation for summer law students at these organization ranged from \$1,000 to \$12,000.

Staff has also received informal feedback from grantees who were generally supportive of the goals of the fellowship program but expressed concerns that compensating one summer law student at a significantly higher rate than other law students would create equity issues. Some grantees also shared that they would not be able to accept a fellowship grant award if they could not compensate all of their summer law students equally.

On November 16, 2022, LSTFC created the Law School Fellowship Grants Committee and delegated authority to Law School Fellowship Grants Committee to approve the Request for Proposals (RFP), including scoring rubric, for the 2023 Law School Fellowship grants, and delegated authority to the committee to consider and approve the award determinations.⁶ The LSTFC invited members of the State Bar's Council on Access and Fairness (COAF) to participate on the committee to leverage their expertise and experience with diversity, equity, and

⁶ The resolution passed by the LSTFC passed reads:

RESOLVED, that the Legal Services Trust Fund Commission, acting under its authority to administer these competitive grants, creates the Law School Fellowship Grants Committee.

FURTHER RESOLVED, that the commission delegates authority to the Law School Fellowship Grants Committee to approve the Request for Proposals, including scoring rubric, for the 2023 Law School Fellowship grants, and delegates authority to this committee to consider and approve the award determinations.

inclusion and recruitment and retention issues impacting the legal aid community. As such, the committee is comprised of two LSTFC members and two COAF members. This memo invites the Law School Fellowship Grants Committee's approval of staff's recommendations at its January meeting about the 2023 Law School Fellowship grant selection criteria and other parameters.

DISCUSSION

GRANT TIMELINE

AB 2958 is effective from January 1, 2023, through December 31, 2024. The State Bar anticipates two Law School Fellowship grant funding opportunities in 2023 and 2024. For first funding opportunity in 2023, staff recommends an award period of May 15, 2023, to September 30, 2023. This award period allows grantees to maximize the summer timeframe and provides flexibility for organizations to accommodate law students attending schools with either a semester (typically early to mid-May to mid- to late-August) or quarterly (typically early to mid-June to September) academic year.

Staff recommends setting a deadline of June 1, 2023, for successful grantees to select a fellow. If a grantee has yet to recruit the fellow by that date, then it would be required to return its award so that staff can reallocate the funding to another applicant. Any funds left over when the 2023 Law School Fellowship grants ends on September 30, 2023, will be carried over for allocation in the 2024 Law School Fellowship grants.

Table 1. Proposed Timeline

Date(s)	Activity
January 23, 2023	(Committee) Reviews and approves RFP and other grant parameters
February 6, 2023	(Staff) Release the application in SmartSimple
March 10, 2023	(Applicants) Submit applications in SmartSimple
Week of March 20, 2023	(Committee) Meeting to calibrate application review and scoring
March 13–April 7, 2023	(Committee and staff) Review and score applications
March 24, 2023	(Committee) Request LSTFC delegate authority for the LSTFC Executive Committee to approve final grant awards ⁷
Week of April 24, 2023	Committee meeting to review and recommend grant awards. Executive Committee meeting to review and approve recommended grant awards

⁷ Business & Professions Code section 6210.5 defines various tasks the LSTFC is entrusted with, including individual grant decisions, which are self-executing without any need for approval by the Board of Trustees. Because there are non-commissioners participating as members of this committee, it is appropriate for the commission or the Executive Committee, if authority is delegated to it, to approve the committee's recommendations.

First week of May 2023	(Staff) Notify applicants about awards
May 15, 2023	Grant period starts
June 1, 2023	(Applicants) Deadline to confirm the fellow or return funds
Early to mid-August 2023	(Staff) Release evaluations to fellows
September 30, 2023	(Staff and Applicants) Grant period ends. Fellow evaluations are due. Release grantee financial reports and evaluations
October 31, 2023	(Applicants) Grantee financial reports and evaluations due, and last day to return unused funds

REVENUE PROJECTIONS AND GRANT AWARDS

The number and size of awards will depend on how much the State Bar collects from the \$5 increase during the 2023 and 2024 fee cycles, which depends on how many State Bar licensees opt out of that contribution. During the similar \$5 increase for the Provisionally Licensed Lawyers (PLL) Grant, the State Bar received approximately \$768,000 for 2021 and \$792,000 for 2022. Staff projects similar figures for the 2023 fee cycle.

After careful review of various existing fellowship programs and feedback from stakeholders, staff proposes two award options for the committee's consideration. Compensation for both award options are higher than is typically offered. However, because of the acute recruitment and retention issues in the sector and disparities in compensation between the legal aid sector and others, the options seek to encourage law students to pursue careers in legal aid by providing a meaningful amount of compensation, inspire legal aid organizations to either increase compensation or begin to compensate law students, and ultimately increase the pipeline to legal aid.

Option 1: Applicants may apply for multiple grants each for \$12,500 with \$10,000 to be used solely for the compensation of one summer law student fellow and up to \$2,500 to cover payroll taxes, benefits and other direct or indirect costs associated with the fellow.

Option 2: Applicants may apply for multiple grants each for \$10,000 with \$7,500 to be used solely for the compensation of one summer law student fellow and up to \$2,500 to cover payroll taxes, benefits and other direct or indirect costs associated with the fellow.

Compensation at both \$7,500 and \$10,000 for a summer fellowship is higher than the average compensation (\$6,350) for summer law students as reported in the LAAC survey. Compensation at \$7,500 is above the highest minimum wage amount for California cities over a ten-week

period.⁸ Compensation at \$10,000 is above the California living wage for a single adult over a ten-week period.⁹ However, anecdotally \$10,000 in compensation for a summer law student is rare for any legal aid organization. Offering either amount could encourage organizations that to not currently work with summer law students to begin summer programs and could encourage organizations with existing programs to increase compensation for all law students. For organizations concerned about parity among their law students, the organization could outreach to law students specifically for this fellowship opportunity in advance and apply for funding with an identified law student. The State Bar could assist with outreach efforts to law schools, if needed.

SELECTION CRITERIA

Unlike other discretionary awards that the State Bar administers, AB 2958 does not limit Law School Fellowship grants to averting or redressing specific legal harms. Instead, the statute states that “funds shall be allocated pursuant to a competitive grant process administered by the LSTFC and not through the formula set forth in section 6216.”¹⁰ In addition, “preference shall be given to fund proposals for fellowships serving rural or underserved communities and that serve clients regardless of immigration or citizenship status.”¹¹ Staff recommends that the Law School Fellowship Grants Committee approve selection criteria that will direct awards toward those applicants best equipped to support their fellow on a compelling project, thereby maximizing the fellow’s access to civil justice contribution while protecting consumers.

Staff recommends looking at the organization’s ability and plan to recruit, train, mentor, guide, and supervise its fellows on projects that fall within its existing experience and expertise. Staff proposes that a successful response to the RFP persuasively and in detail describe:

1. How the organization will leverage the fellow on a project that is well within the organization’s experience and expertise vis-à-vis areas of law and client communities.
2. How the organization will protect the experiences of both its clients and the fellow through supervision and quality assurance safeguards for the fellow’s legal work.

⁸ Mountain View has the highest minimum wage in California at \$18.15 per hour. See California City and County Current Minimum Wages, <https://laborcenter.berkeley.edu/inventory-of-us-city-and-county-minimum-wage-ordinances/>

⁹ The living wage for California is \$8,800 for a 10-week period. There are variations by county. For example, in Los Angeles County, the living wage is equivalent to the California living wage. A living wage in San Bernardino is \$7,600 for a 10-week period; In Alameda County, it is \$9,600; and in San Francisco County, it is at \$12,000. See Living Wage Calculator, <https://livingwage.mit.edu/states/06/locations>

¹⁰ Business and Professions Code section 6140.03(b)(2).

¹¹ Business and Professions Code section 6140.03(b)(3).

3. How the organization will train, mentor, and otherwise develop the fellow.
4. How the organization will support—or, if the organization has already selected a fellow, supported—fellow’s engagement through a recruitment process to locate and evaluate a strong and diverse pool of law student candidates.
5. How clients in “rural or underserved communities and... clients regardless of immigration or citizenship status” will be effectively targeted and served, if applicable.

Criterion One seeks information about how the organization will make the highest use of its fellow to help ameliorate the civil justice gap. Criterion Two prioritizes supervision and oversight to protect consumers because fellows have yet to complete law school and are not licensed to practice law. Criterion Three emphasizes onboarding, professional development, mentorship, and other developmental support for the fellow to maximize the fellow’s value to and experience at the organization. Criterion Four seeks to ensure that host organizations can or did select an enthusiastic and qualified candidate. Last, Criterion Five adheres to the statutory preference for fellowships serving rural or underserved communities and that serve clients regardless of immigration or citizenship status.

Staff recommends the scoring rubric and guidance below to assist with evaluating proposals. The proposed rubric is based on the 2021 PLL Grants rubric in concept and considers commissioner feedback and lessons learned from other State Bar discretionary grant review processes. The rubric is a tool to guide discussion of proposals. The committee maintains discretion to recommend awards even where that means funding an application(s) that scored lower on the rubric and not funding an application(s) that scored higher.

Table 2. Proposed Scoring Rubric

SELECTION CRITERIA (88 PTS)				
Checkmark the appropriate ranking for each category, and then multiply by the number below.				
Category	Exceeds Expectations	Meets Expectations	Below Expectations	Not Addressed
Impact: Applicant envisions work that will leverage the fellow on a project that is well within the organization’s experience and expertise.				
Supervision: Applicant articulates robust supervision and other quality assurance measures to protect the				

experiences of both its clients and the fellow.				
Support: Applicant describes a thoughtful plan to provide onboarding, training, networking, and mentorship to the fellow.				
Recruitment: Applicant lists thoughtful steps to select a motivated and qualified candidate (even if it has already selected a qualified candidate) from a strong and diverse pool.				
Number of check marks	X22 points	X16 points	X10 points	X0 points
Subtotal A				
FUNDING PREFERENCES (12 PTS) Checkmark the appropriate ranking for each category, and then multiply by the number below.				
Preference Category	Exceeds Expectations	Meets Expectations	Below Expectations	Not Addressed
Serves rural populations: Applicant articulates the fellow's focus on serving rural communities.				
Serves underserved populations: Applicant articulates the fellow's focus on serving underserved communities.				
Serves clients regardless of immigration or citizenship status: Applicant articulates the fellow's focus on serving clients regardless of immigration or citizenship status.				
Number of check marks	X4 points	X3 points	X2 points	X0 points
Subtotal B				
Total (Subtotal A + Subtotal B)				

Staff proposes to include the following explanations in the RFP along with the rubric:

- **Impact:** Applicants should describe in detail the legal work that the fellow will perform

over the grant period (from May 15, 2023, to September 30, 2023). In the response, they should describe the types of cases with which the fellow will be assisting and the fellow's role in those cases. In addition, applicants should describe their organization's experience and expertise in the fellow's proposed projects—the interventions themselves (e.g. clinics vs. litigation), the areas of law, and the communities they serve.

- **Supervision:** Applicants should describe in detail how they will safeguard the quality of their fellow's services to clients as well as the fellow's own experience at the organization. In the response, they should state the supervisor and their experience with the project and supervising others. In addition, applicants should explain the steps that the supervisor will take to ensure that the fellow provides safe, effective, and sensitive legal services to clients.
- **Support:** Applicants should describe in detail how they will support and develop the fellow over the course of the fellowship and in encouraging a career in legal services for indigent persons. They should explain how the fellow will onboard, receive trainings, meet with their supervisor, network, and collaborate with other staff. Applicants should describe with specificity the substantive law, legal skills, other (e.g. diversity, equity, and inclusion, trauma-informed care, and cultural humility) trainings, and other supports (e.g. access to legal templates and commercial research databases) that will be provided to the fellow to assist them in their work.
- **Recruitment:** Applicants should describe how they recruited or will recruit and hire their fellow by June 1, 2023. They should explain how they plan to seek a strong and diverse pool of candidates and gauge the candidates' interest in pursuing a career in legal services for indigent persons. Applicants should note whether/how their evaluation criteria on recruiting the fellow relate to the proposed project. If already selected the fellow, applicants should note if anything makes this fellow particularly qualified to perform the work proposed.
- **Serves rural populations:** Applicants should describe the extent to which they would serve rural communities.¹²

¹² The State Bar typically relies on the California Access to Justice Commission's (Access Commission) definition of rural. The Access Commission recommends defining "rural" as areas that meet the medical service study area (MSSA) standard for "rural" or "frontier." The California Office of Statewide Health Planning and Development identifies MSSAs using sub-county clusters of census tracts. The Access Commission argues that MSSA categories of rural and frontier—as opposed to urban—are better suited than counties to classify rural areas. Rural MSSAs have 50,000 or fewer residents and population densities below 250 people per square mile. "Frontier" MSSAs have population densities of fewer than 11 people per square mile.

- **Serves underserved populations:** Applicants should describe the extent to which they would serve underserved communities.

These funds are limited to serving those who are statutorily indigent. Therefore, applicants should explain how the targeted underserved population faces even higher barriers to accessing civil justice than do indigent people generally. Since “serves rural populations” is a separate criterion, “serves underserved populations” refers to serving other populations that are underserved relative to the indigent generally. Such populations may be defined with respect to categories including but not limited to race, ethnicity, age, limited English proficiency, disability status, and veteran status.

- **Serves clients regardless of immigration or citizenship status:** Applicants should describe the extent to which they serve clients regardless of immigration or citizenship status. They should elaborate on their policies and practices, including outreach efforts, to serve clients regardless of immigration or citizenship status.

The following provide guidance for “not addressed,” “below expectations,” “meets expectations,” and “exceeds expectations:”

- **Not addressed:** A proposal that scores “not addressed” in a category/criterion fails to satisfy that criterion in a meaningful way or lacks the relevant nexus. A proposal might fail to satisfy a criterion in a meaningful way if it articulates only a vague intention to do so. A response might lack the relevant nexus to “serves rural populations,” for instance, if it would serve only in an urban community.
- **Below expectations:** A proposal that scores “below expectations” in a category/criterion addresses that criterion but is insufficiently competitive or persuasive to justify a score of “meets expectations.” The proposal might aspire to do too little, for instance, such as only occasionally serving rural clients for the “serves rural populations” criterion. Or the proposal might lack sufficient detail, explanation, or basis in fact to demonstrate its contours or likelihood of success. Since such a proposal might still articulate a feasible fellowship, this score confers some points.
- **Meets expectations:** A proposal that scores “meets expectations” in a category/criterion is competitive and persuasive with respect to that row of the rubric. To be competitive, the proposal will be sufficiently ambitious and/or compelling to merit the use of competitive funds. To be persuasive, the proposal will describe circumstances sufficiently probative of the applicant’s intention and ability to accomplish its stated objectives in that criterion.

- **Exceeds expectations:** A proposal that scores “exceeds expectations” in a category/criterion satisfies the standard for “meets expectations” while standing out as particularly compelling or impressive. An application might be especially compelling, for instance, because it provides a unique opportunity for the law student to engage in special trainings or mentorship and/or to participate in an unusually impactful case or project. Or the proposal might be exceptionally detailed, thorough, evidence-driven, or otherwise well-conceived and convincing.

Staff recommends that the committee use its best efforts to distribute grants statewide. This would entail a geographic comparison of the highest scoring proposals. To the extent that particular regions might be under-represented among top-scoring applications, the committee could exercise discretion still to recommend awards to those areas. In doing so, the committee might observe that a strong—although slightly lower scoring—proposal would provide high quality and badly needed services to communities that funding would otherwise fail to reach.

Further, staff recommends the committee to exercise its discretion to prioritize funding for applications where a summer fellow is already identified. While the application will not require host organizations to apply for funding with an identified summer fellow, because law students typically secure summer positions in winter/spring, and the timing of this application process is late in that cycle, staff recommends that the committee encourage applicants to confirm their law student fellow early and include their materials in the application, if possible. Applications with identified summer fellows also increases the likelihood that grant funds will be expended timely.

APPLICATION COMPONENTS

Staff proposes that the 2023 Law School Fellowship grant application include the components below:

1. Form A: Project Profile

The project profile would include high-level information about the project such as its award request, length of fellowship, and project areas.

2. Form B: Project Description

The project description would include detailed information about the project. This includes the project’s impact, supervision, support, recruitment, and preference categories. It would also ask for detailed narratives about the applicant’s qualifications and resources for the project.

3. Form C: Project Budget

The project budget will collect information on the State Bar-funded fellow's compensation, and the amounts for the benefits, payroll taxes, and other indirect costs. Applicants can include costs between May 15, 2023, and September 30, 2023.

4. Form D: Budget Narrative

The budget narrative would include information about the summer law students' benefits, payroll taxes, and other indirect costs of the fellowship, if applicable.

5. Form E: Fellow's Application Materials

If already selected, applicants can upload the cover letter and/or resume of the fellow.

6. Form F: Project Assurances

Staff proposes that the 2023 Law School Fellowship grants use similar assurances to those for other State Bar-funded grant awards. Programs would have to acknowledge that:

- A. Applicant will use the funds only for "law student summer fellowships for the purpose of supporting law students interested in pursuing a career in legal services for indigent persons." California Business and Professions Code section 6140.03(b)(1).
- B. Applicant will return any unused 2023 Law School Fellowship grant funds within one month of the end of the award period (by October 31, 2023).
- C. Applicant will immediately notify the State Bar if the grant-funded fellow leaves the organization before it has finished spending down its award. Grantees that are unable to hire a fellow by June 1, 2023, must return their unused funds unless the State Bar, in its sole discretion, makes an exception.
- D. Applicant will not discriminate based on race, color, national origin, religion, gender, disability, age, marital or domestic partnership status, medical condition, or sexual orientation.
- E. Applicant will comply with all applicable federal, state, and local employment laws as well as all other applicable laws and regulations.
- F. Applicant will make available to the fellow resources that are similar to those it provides to its other summer law students such as a space to work, computer

hardware, computer software, furniture, supplies, telecommunications, online services, etc.

- G. Applicant will comply with fiscal management and quality control procedures adopted by the State Bar of California.
- H. Applicant will file program and financial reports, as may be required by the State Bar, and cooperate with other data collection requests by the State Bar for this grant project.
- I. Any proposal submitted for a Law School Fellowship grant, and all documents submitted pursuant to issuance of this funding, are public documents, and may be disclosed to any person.
- J. The State Bar is permitted, in its sole discretion, to adjust Applicant's award at any time to reflect the actual amount of funding available for Law School Fellowship grants. Consequently, grantees shall not be guaranteed any specific dollar amount in grant funds, or any grant funds at all, if funds received are insufficient or unavailable to the State Bar.

REPORTING REQUIREMENTS

Demonstrating effective use of these funds is critical to supporting future funds. Grantees must, therefore, report quantitative and qualitative data describing their clients and activities. Grantees will have to file a final financial report and program evaluation to describe the types of cases or matters on which the fellow worked, including notable outcomes.

Financial Reporting

Organizations that receive a Law School Fellowship grants will have to submit a final financial report documenting their payments to fellows. To ensure compliance with the authorizing statute, the State Bar reserves the right to require proof, at any time, of the amount, timing, and nature of payments towards fellow salaries, payroll taxes, and benefits. Proof might include paystubs, third-party payroll processor reports, benefits invoices, etc. that show the organization's payments for its fellow's work during the grant period.

Evaluation

At the end of the grant period, organizations must submit a report describing the contributions of its grant-funded fellow to the organization's services. The report will likely seek information

about the following topics, among others:

- The scope of work that the fellow performed during the grant period, including the fellow's greatest accomplishments;
- The effect that the fellow's work had on the organization's services to QLSPs or low-income Californians, especially notable case outcomes; and
- The organization's experiences during the award period.

In addition, a survey will be sent to grant-funded fellows to share their experiences during the fellowship. The questions will likely seek information about the following topics, among others:

- Fellow's experiences and learnings at the organization and as a part of the California ChangeLawyers cohort;
- Fellow's future career plans; and
- Fellow's demographic information.

RECOMMENDATIONS

Should the committee concur with staff's proposal, passage of one of the following resolutions is recommended:

RESOLVED, that the Law School Fellowship Grants Committee, acting on behalf of LSTFC under its delegated authority, approves the 2023 Law School Fellowship grants timeline, request for proposals, scoring rubric, and grant parameters, including allowing applicants to apply for multiple grant awards, each for \$12,500, as described in staff's January 23, 2023, memorandum to the Law School Fellowship Grants Committee.

Or,

RESOLVED, that the Law School Fellowship Grants Committee, acting on behalf of LSTFC under its delegated authority, approves the 2023 Law School Fellowship grants timeline, request for proposals, scoring rubric, and grant parameters, including allowing applicants to apply for multiple grant awards, each for \$10,000, as described in staff's January 23, 2023, memorandum to the Law School Fellowship Grants Committee.

ATTACHMENT(S) LIST

- A. 2023 Law School Fellowship Grant Request for Proposals



The State Bar of California

2023 Law School Fellowship Grant Request for Proposals

Application available in SmartSimple: Monday, February 6, 2023

Deadline to submit application in SmartSimple: Friday, March 10, 2023, at 5:00 p.m. (PT)

Background

On September 18, 2022, Governor Gavin Newsom signed Assembly Bill 2958 (AB 2958).¹ AB 2958 amends section 6140.03 of the Business and Professions Code to increase by five dollars the contribution collected as part of the attorneys' annual license fee to support Interest on Lawyers' Trust Accounts (IOLTA) funded organizations. According to the amended statute, the additional five dollars "shall be allocated to qualified legal services projects [QLSPs] or qualified support centers... to fund law student summer fellowships for the purpose of supporting law students interested in pursuing a career in legal services for indigent persons."²

AB 2958 specifies that grants for law student summer fellowships shall be allocated pursuant to a competitive grant process administered by the Legal Services Trust Fund Commission (LSTFC). The State Bar must use the IOLTA funding formula to reallocate to QLSPs and support centers any funds that remain as of January 1, 2025.³ The following is an excerpt of AB 2958's relevant language:

Section 6140.03 of the Business and Professions Code is amended to read:

6140.03.

(a) The board shall increase each of the annual license fees fixed by Sections 6140 and 6141 by an additional forty-five dollars (\$45), to be allocated only for the purposes established pursuant to Section 6033 and subdivision (b), except to the extent that a licensee elects not to support those activities.

¹ See AB 2958, https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2958

² Business and Professions Code section 6140.03(b)(1).

³ Business and Professions Code section 6140.03(b)(2)-(4). The IOLTA funding formula is in Business and Professions Code section 6216.

(b) (1) Five dollars (\$5) of the forty-five-dollar (\$45) fee shall be allocated to qualified legal services projects or qualified support centers, as defined in Section 6213, to fund law student summer fellowships for the purpose of supporting law students interested in pursuing a career in legal services for indigent persons. The State Bar shall not make any deductions from the five dollars (\$5) for any reason, including, but not limited to, administrative fees, costs, or expenses of the State Bar.

(2) Except as provided in paragraphs (4) and (5), funds shall be allocated pursuant to a competitive grant process administered by the Legal Services Trust Fund Commission and not through the formula set forth in Section 6216.

(3) In awarding these grants, preference shall be given to fund proposals for fellowships serving rural or underserved communities and that serve clients regardless of immigration or citizenship status.

(4) Any funds under paragraph (1) not allocated as of January 1, 2025, shall be distributed to qualified legal services projects and support centers pursuant to the formula set forth in Section 6216.

(5) The allocation described in this subdivision shall remain in effect until December 31, 2024, and after that date, the entire forty-five dollars (\$45) shall be allocated only for the purposes established pursuant to Section 6033.

(c) The invoice provided to licensees for payment of the annual license fee shall provide each licensee the option of deducting forty-five dollars (\$45) from the annual license fee if the licensee elects not to have this amount allocated for the purposes established pursuant to Section 6033.

(d) This section shall become operative on January 1, 2023.

AB 2958 is effective from January 1, 2023, through December 31, 2024. The State Bar anticipates two Law School Fellowship grant funding opportunities in 2023 and 2024. The first funding opportunity in 2023 will have an award period of May 15, 2023, to September 30, 2023.

June 1, 2023, is the deadline for successful grantees to select a fellow. If a grantee has yet to recruit the fellow by that date, then it would be required to return its award so that the State Bar can reallocate the funding to another applicant. Any funds left over when the 2023 Law

School Fellowship grants ends on September 30, 2023, will be carried over for allocation in the 2024 Law School Fellowship grants.

Eligibility

AB 2958 specifies that only current California QLSPs and support centers—those “defined in [California Business and Professions Code] section 6213”—may receive a competitive Law Student Summer Fellowship Program grant. Interested organizations must submit their grant proposal via the State Bar’s grants management platform, SmartSimple, by **Friday, March 10, at 5:00 p.m. (PT)**. No extensions will be granted.

Competitive Grant Parameters

1. 2023 Law Student Summer Fellowship Grant awards must be used to fund law student summer fellowships for the purpose of supporting law students interested in pursuing a career in legal services for indigent persons.
2. Grant funds must be used to provide services to indigent Californians, as defined by California Business and Professions Code section 6213(d).
3. (This section has two options. It will be finalized when the Law School Fellowship Grants Committee approves grant parameters.)

Applicants may apply for multiple grants each for \$12,500 with \$10,000 to be used solely for the compensation of one summer law student fellow and up to \$2,500 to cover payroll taxes, benefits and other direct or indirect costs associated with the fellow.

Or,

Applicants may apply for multiple grants each for \$10,000 with \$7,500 to be used solely for the compensation of one summer law student fellow and up to \$2,500 to cover payroll taxes, benefits and other direct or indirect costs associated with the fellow.

4. Applicants that serve rural or underserved communities and that serve clients regardless of immigration or citizenship status shall receive preference, as required by AB 2958.

5. Before June 1, 2023, organizations will need to submit the organization's written offer to the law student fellow, which the fellow has accepted.

Award Information

The number and size of awards will depend on how much the State Bar collects from the \$5 increase during the 2023 and 2024 fee cycles, which depends on how many State Bar licensees opt out of that contribution. During the similar \$5 increase for the Provisionally Licensed Lawyers (PLL) Grant, the State Bar received approximately \$768,000 for 2021 and \$792,000 for 2022. The State Bar projects similar figures for the 2023 fee cycle.

Grantees will have to return any unused portion of their award after the end of the 2023 Law Student Summer Fellowship Program by October 31, 2023. Extensions will be unavailable. Funds returned to the State Bar after the 2023 Law Student Summer Fellowship Program will be carried over for allocation in the 2024 Law Student Summer Fellowship Program. Grant payment will arrive in one installment during the grant period and State Bar staff will monitor spend down in the final financial report.

Support Provided

To supplement the 2023 Law School Fellowship grants, the State Bar is partnering with California ChangeLawyers (ChangeLawyers,) a statewide foundation that provides scholarships, skills-based workshops, programming, and mentorship to support law students and recent law students graduates in public interest careers. Fellows selected by grantees for the 2023 Law School Fellowship grants will join ChangeLawyers's cohort of fellows and be able to participate in workshops, training, and networking opportunities to support their professional and career development.

Selection Criteria

Award decisions are final and without appeal. Unlike other discretionary awards that the State Bar administers, AB 2958 does not limit Law School Fellowship grants to averting or redressing specific legal harms. The Law School Fellowship Grants Committee has therefore set selection criteria that will direct awards toward those applicants best equipped to support their fellow on a compelling project, thereby maximizing the fellow's access to civil justice contribution while protecting consumers. This includes looking at the organization's ability and plan to recruit, train, mentor, guide, and supervise its fellows on projects that fall within its existing experience and expertise.

A successful response to the RFP will persuasively and in detail describe:

1. How the organization will leverage the fellow on a project that is well within the organization's experience and expertise vis-à-vis areas of law and client communities.
2. How the organization will protect the experiences of both its clients and the fellow through supervision and quality assurance safeguards for the fellow's legal work.
3. How the organization will train, mentor, and otherwise develop the fellow.
4. How the organization will support—or, if the organization has already selected a fellow, supported—fellow's engagement through a recruitment process to locate and evaluate a strong and diverse pool of law student candidates.
5. How clients in "rural or underserved communities and... clients regardless of immigration or citizenship status" will be effectively targeted and served, if applicable.

The Law School Fellowship Grants Committee will use their best efforts to distribute grants statewide. Additionally, the Committee has adopted the following rubric to guide its deliberations:

SELECTION CRITERIA (88 PTS)				
Checkmark the appropriate ranking for each category, and then multiply by the number below.				
Category	Exceeds Expectations	Meets Expectations	Below Expectations	Not Addressed
Impact: Applicant envisions work that will leverage the fellow on a project that is well within the organization's experience and expertise.				
Supervision: Applicant articulates robust supervision and other quality assurance measures to protect the experiences of both its clients and the fellow.				
Support: Applicant describes a thoughtful plan to provide onboarding, training, networking, and mentorship to the fellow.				
Recruitment: Applicant lists thoughtful steps to select a motivated and qualified candidate (even if it has already				

selected a qualified candidate) from a strong and diverse pool.				
Number of check marks	X22 points	X16 points	X10 points	X0 points
Subtotal A				
FUNDING PREFERENCES (12 PTS)				
Checkmark the appropriate ranking for each category, and then multiply by the number below.				
Preference Category	Exceeds Expectations	Meets Expectations	Below Expectations	Not Addressed
Serves rural populations: Applicant articulates the fellow's focus on serving rural communities.				
Serves underserved populations: Applicant articulates the fellow's focus on serving underserved communities.				
Serves clients regardless of immigration or citizenship status: Applicant articulates the fellow's focus on serving clients regardless of immigration or citizenship status.				
Number of check marks	X4 points	X3 points	X2 points	X0 points
Subtotal B				
Total (Subtotal A + Subtotal B)				

Note: The rubric is a tool to guide discussion of proposals. The committee maintains discretion to recommend awards even where that means funding an application(s) that scored lower on the rubric and not funding an application(s) that scored higher.

The following explanations accompany the rubric:

- **Impact:** Applicants should describe in detail the legal work that the fellow will perform over the grant period (from May 15, 2023, to September 30, 2023). In the response, they should describe the types of cases with which the fellow will be assisting and the fellow's role in those cases. In addition, applicants should describe their organization's experience and expertise in the fellow's proposed projects—the interventions themselves (e.g. clinics vs. litigation), the areas of law, and the communities they serve.

- **Supervision:** Applicants should describe in detail how they will safeguard the quality of their fellow’s services to clients as well as the fellow’s own experience at the organization. In the response, they should state the supervisor and their experience with the project and supervising others. In addition, applicants should explain the steps that the supervisor will take to ensure that the fellow provides safe, effective, and sensitive legal services to clients.
- **Support:** Applicants should describe in detail how they will support and develop the fellow over the course of the fellowship and in encouraging a career in legal services for indigent persons. They should explain how the fellow will onboard, receive trainings, meet with their supervisor, network, and collaborate with other staff. Applicants should describe with specificity the substantive law, legal skills, other (e.g. diversity, equity, and inclusion, trauma-informed care, and cultural humility) trainings, and other supports (e.g. access to legal templates and commercial research databases) that will be provided to the fellow to assist them in their work.
- **Recruitment:** Applicants should describe how they recruited or will recruit and hire their fellow by June 1, 2023. They should explain how they plan to seek a strong and diverse pool of candidates and gauge the candidates’ interest in pursuing a career in legal services for indigent persons. Applicants should note whether/how their evaluation criteria on recruiting the fellow relate to the proposed project. If already selected the fellow, applicants should note if anything makes this fellow particularly qualified to perform the work proposed.
- **Serves rural populations:** Applicants should describe the extent to which they would serve rural communities.

The State Bar typically relies on the California Access to Justice Commission’s (Access Commission) definition of rural. The Access Commission recommends defining “rural” as areas that meet the medical service study area (MSSA) standard for “rural” or “frontier.” The California Office of Statewide Health Planning and Development identifies MSSAs using sub-county clusters of census tracts. The Access Commission argues that MSSA categories of rural and frontier—as opposed to urban—are better suited than counties to classify rural areas. Rural MSSAs have 50,000 or fewer residents and population densities below 250 people per square mile. “Frontier” MSSAs have population densities of fewer than 11 people per square mile.

- **Serves underserved populations:** Applicants should describe the extent to which they would serve underserved communities.

These funds are limited to serving those who are statutorily indigent. Therefore, applicants should explain how the targeted underserved population faces even higher barriers to accessing civil justice than do indigent people generally. Since “serves rural populations” is a separate criterion, “serves underserved populations” refers to serving other populations that are underserved relative to the indigent generally. Such populations may be defined with respect to categories including but not limited to race, ethnicity, age, limited English proficiency, disability status, and veteran status.

- **Serves clients regardless of immigration or citizenship status:** Applicants should describe the extent to which they serve clients regardless of immigration or citizenship status. They should elaborate on their policies and practices, including outreach efforts, to serve clients regardless of immigration or citizenship status.

The following provide guidance for “not addressed,” “below expectations,” “meets expectations,” and “exceeds expectations:”

- **Not addressed:** A proposal that scores “not addressed” in a category/criterion fails to satisfy that criterion in a meaningful way or lacks the relevant nexus. A proposal might fail to satisfy a criterion in a meaningful way if it articulates only a vague intention to do so. A response might lack the relevant nexus to “serves rural populations,” for instance, if it would serve only in an urban community.
- **Below expectations:** A proposal that scores “below expectations” in a category/criterion addresses that criterion but is insufficiently competitive or persuasive to justify a score of “meets expectations.” The proposal might aspire to do too little, for instance, such as only occasionally serving rural clients for the “serves rural populations” criterion. Or the proposal might lack sufficient detail, explanation, or basis in fact to demonstrate its contours or likelihood of success. Since such a proposal might still articulate a feasible fellowship, this score confers some points.
- **Meets expectations:** A proposal that scores “meets expectations” in a category/criterion is competitive and persuasive with respect to that row of the rubric. To be competitive, the proposal will be sufficiently ambitious and/or compelling to merit the use of competitive funds. To be persuasive, the proposal will describe circumstances

sufficiently probative of the applicant’s intention and ability to accomplish its stated objectives in that criterion.

- **Exceeds expectations:** A proposal that scores “exceeds expectations” in a category/criterion satisfies the standard for “meets expectations” while standing out as particularly compelling or impressive. An application might be especially compelling, for instance, because it provides a unique opportunity for the law student to engage in special trainings or mentorship and/or to participate in an unusually impactful case or project. Or the proposal might be exceptionally detailed, thorough, evidence-driven, or otherwise well-conceived and convincing.

2023 Law Student Summer Fellowship Grantmaking Timeline:

Date(s)	Activity
February 6, 2023	Application is released in SmartSimple
March 10, 2023	Deadline to submit applications in SmartSimple
First week of May 2023	Awards notification
May 15, 2023	Start of grant period
June 1, 2023	Deadline to confirm the fellow or return funds
Early to mid-August 2023	Evaluations are released to fellows
September 30, 2023	Grant period ends. Fellow evaluations are due. Grantee financial reports and evaluations are released
October 31, 2023	Grantee financial reports and evaluations due, and last day to return unused funds

RFP Application

A complete 2023 Law Student Summer Fellowship grant application will include the components below. Please see the application instructions for detailed guidance

1. Form A: Project Profile

The project profile would include high-level information about the project such as its award request, length of fellowship, and project areas.

2. Form B: Project Description

The project description would include detailed information about the project. This includes the project’s impact, supervision, support, recruitment, and preference categories. It would also ask for detailed narratives about the applicant’s qualifications and resources for the project.

3. Form C: Project Budget

The project budget will collect information on the State Bar-funded fellow's compensation, and the amounts for the benefits, payroll taxes, and other indirect costs. Applicants can include costs between May 15, 2023, and September 30, 2023.

4. Form D: Budget Narrative

The budget narrative would include information about the summer law students' benefits, payroll taxes, and other indirect costs of the fellowship, if applicable.

5. Form E: Fellow's Application Materials

If already selected, applicants can upload the cover letter and/or resume of the fellow.

6. Form F: Project Assurances

Programs will have to acknowledge the following:

- A. Applicant will use the funds only for "law student summer fellowships for the purpose of supporting law students interested in pursuing a career in legal services for indigent persons." California Business and Professions Code section 6140.03(b)(1).
- B. Applicant will return any unused 2023 Law School Fellowship grant funds within one month of the end of the award period (by October 31, 2023).
- C. Applicant will immediately notify the State Bar if the grant-funded fellow leaves the organization before it has finished spending down its award. Grantees that are unable to hire a fellow by June 1, 2023, must return their unused funds unless the State Bar, in its sole discretion, makes an exception.
- D. Applicant will not discriminate based on race, color, national origin, religion, gender, disability, age, marital or domestic partnership status, medical condition, or sexual orientation.
- E. Applicant will comply with all applicable federal, state, and local employment laws as well as all other applicable laws and regulations.
- F. Applicant will make available to the fellow resources that are similar to those it provides to its other summer law students such as a space to work, computer hardware, computer software, furniture, supplies, telecommunications, online services, etc.

- G. Applicant will comply with fiscal management and quality control procedures adopted by the State Bar of California.
- H. Applicant will file program and financial reports, as may be required by the State Bar, and cooperate with other data collection requests by the State Bar for this grant project.
- I. Any proposal submitted for a Law School Fellowship grant, and all documents submitted pursuant to issuance of this funding, are public documents, and may be disclosed to any person.
- J. The State Bar is permitted, in its sole discretion, to adjust Applicant's award at any time to reflect the actual amount of funding available for Law School Fellowship grants. Consequently, grantees shall not be guaranteed any specific dollar amount in grant funds, or any grant funds at all, if funds received are insufficient or unavailable to the State Bar.

Reporting Requirements

Demonstrating effective use of these funds is critical to supporting future funds. Grantees must, therefore, report quantitative and qualitative data describing their clients and activities. Grantees will have to file a final financial report and program evaluation to describe the types of cases or matters on which the fellow worked, including notable outcomes.

Financial Reporting

Organizations that receive a Law School Fellowship grants will have to submit a final financial report documenting their payments to fellows. To ensure compliance with the authorizing statute, the State Bar reserves the right to require proof, at any time, of the amount, timing, and nature of payments towards fellow salaries, payroll taxes, and benefits. Proof might include paystubs, third-party payroll processor reports, benefits invoices, etc. that show the organization's payments for its fellow's work during the grant period.

Evaluation

At the end of the grant period, organizations must submit a report describing the contributions of its grant-funded fellow to the organization's services. The report will likely seek information about the following topics, among others:

- The scope of work that the fellow performed during the grant period, including the

fellow's greatest accomplishments;

- The effect that the fellow's work had on the organization's services to QLSPs or low-income Californians, especially notable case outcomes; and
- The organization's experiences during the award period.

In addition, a survey will be sent to grant-funded fellows to share their experiences during the fellowship. The questions will likely seek information about the following topics, among others:

- Fellow's experiences and learnings at the organization and as a part of the California ChangeLawyers cohort;
- Fellow's future career plans; and
- Fellow's demographic information.

For Technical Support

If you have any questions, please contact Dennis Tim Yee at 415-538-2240 or dennis.yee@calbar.ca.gov