



The State Bar of California

OPEN SESSION

AGENDA ITEM 4.1

SEPTEMBER 2023

LSTFC LEGAL AID LEADERS FELLOWSHIP GRANTS COMMITTEE

DATE: September 6, 2023

TO: Members, Legal Aid Leaders Fellowship Grants Committee

FROM: Elizabeth Hom, Program Director, Office of Access & Inclusion
Lauren McGary, Senior Program Analyst, Office of Access & Inclusion

SUBJECT: 2024 Legal Aid Leaders Fellowship Grants Request for Proposals

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

Business and Professions Code section 6140.03 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.

For summer 2023, 35 grantees received funding for 76 summer law students. The State Bar’s partner, California ChangeLawyers, funded an additional five students from four of the existing grantees, bringing the cohort for summer 2023 to 81 fellows. Due to the timing of the summer 2023 grant cycle, two grantees that were awarded the grant declined funds due to an inability to select fellows within the short timeframe as, law school representatives shared, many law students secure summer work plans by early spring.

To avoid these challenges and provide grantees with additional time to recruit and select summer fellows, State Bar staff (staff) has prepared all application materials and a grantmaking timeline in preparation for an application submission and review process to be completed this fall for summer 2024. Based on feedback from the committee, grantees, and law school stakeholders, this memo recommends to the Legal Aid Leaders Fellowship Grants Committee a Request for Proposals (RFP), including selection criteria, a scoring rubric, and other grant parameters for the 2024 Legal Aid Leaders Grants.

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 the 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

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/i0j9w6zyvxyqsb/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/>

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

For summer 2023, the Legal Aid Leaders Fellowship Grants Committee⁶ received and reviewed 37 applications from 36 applicants. Ultimately, 35 grantees received funding for 76 summer law students. Due to the timing of the summer 2023 grant cycle, two grantees that were awarded the grant declined funds due to an inability to select fellows before the deadline to confirm their fellow(s). The State Bar's partner, California ChangeLawyers (ChangeLawyers,) generously funded an additional five students from four of the existing grantees, bringing the cohort for summer 2023 to 81 fellows.

The State Bar will continue to partner with ChangeLawyers, a statewide foundation that provides scholarships, skills-based workshops, programming, and mentorship to support law students and recent law school graduates in public interest careers. Fellows selected by grantees will join ChangeLawyers' cohort of fellows and be able to participate in workshops, training, and networking opportunities to support their professional and career development.

One of the desired outcomes of this grant is to support a pipeline to legal aid through increased law student interest in careers in legal aid. As a part of the evaluation process, the law students in the 2023 fellowship participated in two surveys: one that collected demographic information and gauged their interests at the beginning of the fellowship and one that gauged their reflections on the experience at the end the fellowship. Because the summer is just now winding down and survey and grantee evaluation collection is ongoing, staff will share a full summary of survey findings and grantee evaluations with the committee at a future meeting. Preliminary law student survey results show that the level of interest in pursuing a career in providing legal services to indigent persons is high or very high for the vast majority of the fellows.

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.*

⁶ The LSTFC created the Legal Aid Leaders Fellowship Grants Committee (formerly Law School Fellow Grants Committee) at its November 2022 meeting. The committee is made up of two LSTFC members and two Council on Access and Fairness members.

DISCUSSION

GRANT TIMELINE

Timeline for Approving the RFP

Staff has continued to engage informally with grantees and stakeholders from law schools to share information and to request feedback, especially because summer 2023 was the first time implementing the grant. Both grantees and law schools are supportive of this grant to specifically support summer law students at legal aid organizations. Law school representatives, however, identified that the timing of the 2023 grant cycle, with late April funding decisions, was difficult for schools making their own funding decisions, which also support students working in the public interest during the summer. Additionally, two grantees declined funding because they were not able to recruit and confirm their summer fellow(s) given the short timeframe between when awards were announced, and when the summer began. Both grantees and law schools shared that most law students secure their summer opportunities by early spring with many students participating in public interest career fairs, which are traditionally held in late January/early February. Anecdotally, grantees have indicated that it would be helpful in their recruitment to be able to share that summer law student position(s) have confirmed funding.

With this feedback in mind, staff recommends moving the application and review process for the 2024 summer cycle to fall 2023 so that award decisions can be made before grantees are actively recruiting for summer law students and so that law schools can timely coordinate information sharing and their own funding decisions with students. Unfortunately, the new timeline, which is detailed below, does not align with the already established LSTFC meeting schedule. As such, staff requests an atypical approval process for the RFP. Staff will request the committee recommend approval of 2024 RFP at the committee's September meeting. If the committee recommends approval, staff will release the RFP to the QLSPs and support centers on September 11. The committee will then proceed with review of applications in October and November. At the November 9, 2023, LSTFC meeting, staff will request the committee recommend to the LSTFC approval of the 2024 Legal Aid Leaders Fellowship Grant RFP and request the LSTFC delegate authority to the Executive Committee to approve 2024 grant awards.⁷ Such delegation to the Executive Committee would allow for recommended grant

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.

awards to be approved before the end of the calendar year, and in advance of the summer law student recruitment season.

Summer 2024 Grant Period

Business and Professions Code section 6140.03 authorizes funding be directed to summer law fellows, effective January 1, 2023, through December 31, 2024, which allows for two summer funding cycles. The first year of the Legal Aid Leaders Fellowship Grant funding is nearing completion. For the second funding opportunity for summer 2024, staff recommends a grant period of May 1, 2024, to September 16, 2024. This grant period allows grantees to maximize the summer timeframe and provides flexibility for organizations to accommodate law students attending schools with either a semester (with summer break typically occurring early to mid-May to mid- to late-August) or quarterly (with summer break typically occurring early to mid-June to September) academic year.

Staff recommends setting a deadline of May 1, 2024, 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.

Table 1. Proposed Timeline

Date(s)	Activity
September 6, 2023	Committee reviews and approves RFP and grant parameters
September 11, 2023	Application is released to applicants
October 10, 2023	Applications due
October 18 - November 1, 2023	Committee meeting to calibrate application review and scoring
October 11 – November, 7, 2023	Committee and staff review and score applications
November 9, 2023	Committee requests the LSTFC approve the recommended RFP and delegate authority for the LSTFC Executive Committee to approve grant awards
Week of December 4 or December 11, 2023	Committee meeting to review and recommend tentative grant awards. Executive Committee meeting to review and approve tentative grant awards
April 2024	Committee meeting to review and recommend final grant awards. Executive Committee meeting to review and approve final grant awards
May 1, 2024	Grant period starts

May 1, 2024	Deadline to confirm the fellow or return funds
September 16, 2024	Grant period ends

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 2024 fee cycle,⁸ 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. For the first year of the Legal Aid Leaders Fellowship Grants, the State Bar received approximately \$759,000 from the 2023 fee cycle; staff projects similar figures for 2024. Due to the timing of collecting revenue through the licensing fee cycle and the recruiting period for summer positions, staff recommends that the committee make tentative funding recommendations before the end of the calendar year so that grantees may be notified of their eligibility for funding in advance of the summer recruitment process. Additionally, staff recommends the committee meet in early April 2024, after the fee cycle is complete and revenue collected, to finalize recommendations. Staff further recommends the LSTFC (or Executive Committee should the commission delegate authority) also meet in April 2024 to approve the committee's award recommendations.

Staff proposes maintaining the 2023 award parameters, which allows applicants to apply to fund multiple law students, 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 of \$7,500 per fellow is higher than is typically offered by legal aid providers. However, because of the acute recruitment and retention issues in the sector and disparities in compensation between the legal aid sector and others, the award amount is set 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.

SCORING CRITERIA

Unlike other discretionary awards that the State Bar administers, Business and Professions Code section 6140.03 does not limit Legal Aid Leaders 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

⁸ The State Bar licensing fee cycle typically occurs between December 1 and February 1.

formula set forth in section 6216.”⁹ 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.”¹⁰ Staff recommends that the 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.

At its April meeting, the committee discussed the review process and made suggestions to update selection criteria and funding preference descriptions as well as adjustments to the scoring rubric with the goal to improve clarity in the review process and provide additional transparency to applicants. Based on this feedback, staff recommends the following changes to selection criteria and scoring rubric for the 2024 fellowship: 1) revise the rubric description language for the “Impact” category to clarify that applicants should describe the work the law student(s) will focus on as well as the organization’s experience and expertise in the funded work; 2) add an “Organizational Benefit” category informed by committee feedback that the “Impact” category did not previously capture the anticipated larger impact that this funding would have on the organization; 3) revise the rubric description language for the “Supervision” and “Support” categories to clarify the distinction between the two; and 4) add the MSSA tract requirement to the “Serves rural populations” preference category. The content for the other categories remains the same.

Additionally, it is recommended that the total points possible for the Selection Criteria and the Funding Preferences be changed from 88 points and 12 points respectively, to 70 points and 30 points respectively in response to committee feedback that the Funding Preferences scores be higher to allow meaningful consideration of the legislature’s funding preferences.

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 (70 PTS) Checkmark the appropriate ranking for each category, and then multiply by the number below.				
CATEGORY & DESCRIPTION	Exceeds Expectations	Meets Expectations	Below Expectations	Not Addressed

⁹ Business and Professions Code section 6140.03(b)(2).

¹⁰ Business and Professions Code section 6140.03(b)(3).

Impact: Applicant describes utilizing the fellow(s) in appropriate legal work aligned with the organization's expertise.				
Organizational Benefit: Applicant describes the larger impact this funding will have on the organization.				
Supervision: Applicant describes its robust supervision practices and other quality assurance measures to protect the experiences of both its clients and the fellow(s).				
Support: Applicant describes a thoughtful plan to provide onboarding, training, networking, and mentorship to the fellow(s).				
Recruitment: Applicant describes the process to select a motivated and qualified candidate(s)—even if it has already selected a qualified candidate(s)—from a strong and diverse pool of candidates.				
Number of check marks	X14=	X10=	X6=	X0=
Subtotal A				

FUNDING PREFERENCES (30 PTS)				
Checkmark the appropriate ranking for each category, and then multiply by the number below.				
CATEGORY & DESCRIPTION	Exceeds Expectations	Meets Expectations	Below Expectations	Not Addressed
Serves rural populations: Applicant articulates the fellow(s)' focus on serving rural communities and identifies the MSSA tracts where fellow(s) will provide services.				
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	X10=	X7=	X4=	X0=

Subtotal B				
Total (Subtotal A + Subtotal B)				

The following detailed descriptions are included in the RFP.

- **Impact:** Applicants should describe in detail the legal work that the fellow(s) will perform over the grant period (from May 1, 2024, to September 16, 2024). In the response, they should describe the type of work (e.g. intakes, clinics, case work) with which the fellow(s) will engage and the fellow(s)' role and the areas of law with which the fellow(s) will be assisting. 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.
- **Organizational Benefit:** Applicants should describe the larger impact this grant will have on the organization, including how the fellow(s)' contributions will impact the organization's programs and/or overall success. Specifically, the applicant should consider the impact of hosting law fellow(s) on its work, including its ability to serve clients or streamline workflows. The applicant may also include the grant's impact on its ability to recruit law student candidates for the summer and/or for future staff positions. The response should be specific, and it may reference previous benefits the organization experienced as a result of the 2023 Legal Aid Leaders Fellowship program or other previous experience hosting law students.
- **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 identify the supervisor(s) and their experience with the project and supervising others. In addition, applicants should explain the steps that the supervisor(s) will take to ensure that the fellow(s) provides safe, effective, and sensitive legal services to clients; this includes the frequency with which the fellow(s) will meet with the supervisor(s) and the process for the review of their legal work.
- **Support:** Applicants should describe in detail how they will support and develop the fellow(s) over the course of the fellowship and in encouraging a career in legal services for indigent persons. They should explain how the fellow(s) will onboard, receive trainings participate in mentorship, 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

networking opportunities, etc.) that will be provided to the fellow(s) to support their professional development.

- **Recruitment:** Applicants should describe how they recruited or will recruit, select, and confirm their fellow(s) by May 1, 2024. They should explain the plan to seek a strong and diverse pool of candidates, including outreach efforts, and to gauge the candidates' interest in pursuing a career in legal services for indigent persons. Applicants should note whether/how their evaluation criteria in selecting the fellow(s) relate to the proposed work of the fellow. If the fellow(s) has already been selected, applicants should note if anything makes them particularly qualified to perform the work proposed.
- **Serves rural populations:** Applicants should describe the extent to which the fellow(s) would serve rural communities.

The State Bar relies on the California Access to Justice Commission's (CalAtJ) definition of rural. CalAtJ 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. CalAtJ 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. Applicants must identify the MSSA tract(s) where the fellow(s) will provide services. MSSA data is available on the [California State Geoportal](#).¹¹

- **Serves underserved populations:** Applicants should describe the extent to which the fellow(s) 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 population 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.

¹¹ The portal is a searchable database and filters for "Rural" and "Frontier" may be used to help applicants identify MSSA tracts within their service area.

- **Serves clients regardless of immigration or citizenship status:** Applicants should describe the extent to which the fellow(s) will serve clients regardless of immigration or citizenship status. They should elaborate on the applicant's policies and practices, including outreach efforts, to serve clients regardless of immigration or citizenship status.

The following provides 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 to recommend awards to those areas. In doing so, the committee might observe that a strong—although lower scoring—proposal would provide high quality and much needed services to communities that funding would otherwise fail to reach.

APPLICATION COMPONENTS

Staff proposes that the 2024 Legal Aid Leaders 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: Fellowship Description**

The project description would include detailed information about the fellowship. This includes responses to the impact, organizational benefit, supervision, support, recruitment, and funding preference rubric categories. Applicants should provide detailed narratives about the applicant's qualifications and resources for the project.

- 3. Form C: Fellowship Budget**

The fellowship 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 may include expenses between May 1, 2024, and September 16, 2024.

- 4. Form D: Budget Narrative**

The budget narrative would include descriptions of payroll taxes, benefits, and other direct or indirect costs associated with the fellowship(s), if applicable.

- 5. Form E: Fellow(s) Application Materials**

If already selected, applicants should upload the cover letter(s) and/or resume(s) of the fellow(s).

- 6. Form F: Project Assurances**

Staff proposes one addition to the existing project assurances document that would require applicants to facilitate and encourage fellow(s) participation in fellowship activities (see Item J., below.) . Applicants are required to assure compliance with the following:

- A. Applicant agrees that it will use funds it receives from the 2024 Legal Aid Leaders Fellowship Grant only for purposes stated in its application.
- B. Applicant will immediately notify the State Bar of California (State Bar) if the grant-funded fellow leaves the organization before it has finished spending down its award.
- C. Applicant will return its grant award if they have not selected and confirmed State Bar-funded fellow(s) by May 1, 2024, unless the State Bar, in its sole discretion, makes an exception.
- D. Applicant will return any unused 2024 Legal Aid Leaders Fellowship Grant funds within one month of the end of the award period (by October 16, 2024).
- E. Applicant will not discriminate based on race, color, national origin, religion, gender, disability, age, marital or domestic partnership status, medical condition, or sexual orientation.
- F. Applicant will comply with fiscal management and quality control procedures adopted by the State Bar.
- G. Applicant will permit reasonable site visits and will present additional information deemed reasonably necessary to determine compliance with the terms of the grant.
- H. Applicant will comply with all applicable federal, state, and local employment laws as well as all other applicable laws and regulations.
- I. Applicant will make available to the fellow(s) 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.
- J. Applicant will facilitate and encourage fellow(s) to complete required fellowship surveys and participate in Legal Aid Leaders Fellowship programing, including in-person and remote events hosted by California ChangeLawyers.
- K. 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.

- L. Applicant understands that any proposal submitted for a Legal Aid Leaders Fellowship Grant, and all documents submitted pursuant to issuance of this funding, are public documents, and may be disclosed to any person.
- M. Applicant understands that 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 Legal Aid Leaders 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, file a final financial report and program evaluation, which includes a description of the types of cases or matters on which the fellow(s) worked.

Financial Reporting

Organizations that receive a Legal Aid Leaders Fellowship Grant are required to submit a final financial report documenting grant expenditures, including 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(s) to the organization's services. The report will seek information about the following topics, among others:

- Changes, if any, in the grantee's approaches to supervision, training, support, and/or recruitment or selection as described in the application;

- Processes for the fellow(s) to provide feedback;
- Lessons learned and changes implemented in response to the feedback;
- Areas of law where fellow(s) provided support;
- Counties and target populations served by the fellow(s);
- Languages in which the fellow(s) provided support;
- Opportunities extended for the fellow(s) to continue with the organization beyond the grant period;
- The scope of work that the fellow(s) performed during the grant period, including the fellow(s)' greatest accomplishments; and
- The effect that the fellow(s)' work had on the organization's services to QLSPs or low-income Californians, especially notable case outcome.

In addition, grant-funded fellows must complete two surveys to share their expectations and experiences during the fellowship. The questions will 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 the following resolution is recommended:

RESOLVED, that the Legal Aid Leaders Fellowship Grants Committee recommends the Legal Services Trust Fund Commission approve the 2024 Legal Aid Leaders Fellowship request for proposals as described herein, including Attachment A.

ATTACHMENT(S) LIST

- A. 2024 Legal Aid Leaders Fellowship Grant Request for Proposals



The State Bar of California

OFFICE OF ACCESS & INCLUSION

2024 LEGAL AID LEADERS FELLOWSHIP GRANTS REQUEST FOR PROPOSALS

This document provides information for organizations interested in submitting proposals for the 2024 Legal Aid Leaders Fellowship Grants (formerly called Law School Fellowship Grants.) Organizations should review this document for information about eligibility, selection criteria, and the scoring rubric for this competitive grant. Organizations should ensure that their proposals clearly address the principal concerns of the funding authorities.

The 2024 Legal Aid Leaders Fellowship Grants are competitive and discretionary. Proposals must be submitted on SmartSimple by **5:00 p.m. PDT on Tuesday, October 10, 2023.**

If you have any questions, please contact Lauren McGary at lauren.mcgary@calbar.ca.gov.

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 voluntary opt-out 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

Business and Professions Code section 6140.03 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 the text of the amended statute:

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)(4). The IOLTA funding formula is in Business and Professions Code section 6216.

Business and Professions Code section 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.

(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.

AWARD INFORMATION

Business and Professions Code section 6140.03 authorizes funding for law student summer fellowships from January 1, 2023, through December 31, 2024. The first funding opportunity had a grant period of May 15, 2023, to September 30, 2023. The second funding opportunity will have a grant period of May 1, 2024, to September 16, 2024.

The number of awards depends on the amount the State Bar collects from the \$5 increase in contributions during the 2023 and 2024 attorney licensing fee cycles, which depends on how many State Bar licensees opt out of that contribution. During a similar \$5 increase for the Provisionally Licensed Lawyers (PLL) Grant, the State Bar received approximately \$768,000 for

2021 and \$792,000 for 2022. For the first year of the Legal Aid Leaders Fellowship Grants, the State Bar received approximately \$759,000 from the 2023 fee cycle; the State Bar projects similar figures for 2024. There will be one grant disbursement during the grant period and State Bar staff will monitor grant expenditures in the final financial report. Due to the timing of when revenue for this grant fund is collected, applicants will be notified of tentative grant awards in December 2023 and of finalized grant awards in April 2024.

For the 2024 Legal Aid Leaders Fellowship Grants, applicants may apply to fund multiple fellows. Each fellow may be funded for up to \$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.

Successful grantees are required to select fellow(s) by May 1, 2024. If a grantee has not recruited fellow(s) by that date, it will be required to return its award so that the State Bar can reallocate the funding to another applicant. Grantees are required to return any unused portion of their award at the end of the grant term, and no later than October 16, 2024. Extensions will be unavailable. Funds returned to the State Bar after the 2024 grant term will be redistributed as IOLTA funds unless the statute is renewed.

SUPPORT AND RESOURCES FOR PARTICIPATING FELLOWS

The State Bar is partnering with [California ChangeLawyers](#) (ChangeLawyers) to provide additional support and resources to fellows funded by this grant. Fellows will join ChangeLawyers' cohort of fellows and be able to participate in workshops, training, and networking opportunities to support their professional and career development.

ELIGIBILITY REQUIREMENTS

Business and Professions Code section 6140.03 allows QLSPs and support centers, as defined in Business and Professions Code section 6213, to apply for and receive this competitive grant, which must be used to fund law student summer fellows providing services to indigent Californians, as defined by California Business and Professions Code section 6213(d).

SELECTION CRITERIA

Unlike other discretionary awards that the State Bar administers, Business and Professions Code section 6140.03 does not limit Legal Aid Leaders Fellowship grants to averting or redressing specific legal harms. The Legal Aid Leaders Fellowship Grants Committee has therefore set selection criteria that will direct awards toward those applicants best equipped to support their fellow(s) on a compelling project, thereby maximizing the fellow(s)' access to civil justice contribution while protecting clients. This includes looking at the organization's ability and plan to recruit, train, mentor, guide, and supervise its fellow(s) on projects that fall within its existing experience and expertise.

Applicants that serve rural or underserved communities and that serve clients regardless of immigration or citizenship status shall receive preference, as required by Business and Professions Code section 6140.03.

2023 LAW SCHOOL FELLOWSHIP GRANTS SCORING RUBRIC

In an effort to provide transparency and equity in the review process, the Legal Aid Leaders Fellowship Grants Committee will use a scoring rubric as a tool to help guide review of all eligible proposals. The rubric is comprised of two sections—Selection Criteria and Funding Preferences. The Legal Aid Leaders Fellowship Grants Committee maintains discretion when determining funding recommendations even where that means funding an application(s) that scored lower on the rubric and not funding an application(s) that scored higher. The committee will use their best efforts to distribute grants statewide. Award decisions are final and without appeal. Award recipients are required to notify the State Bar once the fellow(s) has been selected.

SELECTION CRITERIA (70 PTS)				
Checkmark the appropriate ranking for each category, and then multiply by the number below.				
CATEGORY & DESCRIPTION	Exceeds Expectations	Meets Expectations	Below Expectations	Not Addressed
<u>Impact:</u> Applicant describes utilizing the fellow(s) in appropriate legal work aligned with the organization's expertise.				
<u>Organizational Benefit:</u> Applicant describes the larger impact this funding will have on the organization.				
<u>Supervision:</u> Applicant describes its robust supervision practices and other quality assurance measures to protect the experiences of both its clients and the fellow(s).				
<u>Support:</u> Applicant describes a thoughtful plan to provide onboarding, training, networking, and mentorship to the fellow(s).				
<u>Recruitment:</u> Applicant describes the process to select a motivated and qualified candidate(s)—even if it has already selected a qualified candidate(s)—from a strong and diverse pool of candidates.				
Number of check marks	X14=	X10=	X6=	X0=
Subtotal A				

FUNDING PREFERENCES (30 PTS)
Checkmark the appropriate ranking for each category, and then multiply by the number below.

CATEGORY & DESCRIPTION	Exceeds Expectations	Meets Expectations	Below Expectations	Not Addressed
Serves rural populations: Applicant articulates the fellow(s)' focus on serving rural communities and identifies the MSSA tracts where fellow(s) will provide services.				
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	X10=	X7=	X4=	X0=
Subtotal B				
Total (Subtotal A + Subtotal B)				

DEFINITIONS	
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.
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.
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.
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.

Selection Criteria (70 points)

Based on responses provided in the proposal, the committee will score each sub-section as “Exceeds Expectations,” “Meets Expectations,” “Below Expectations,” or “Not Addressed” with corresponding multipliers for a maximum of 70 points. The sub-sections for the Selection Criteria are:

- **Impact:** Applicants should describe in detail the legal work that the fellow(s) will perform over the grant period (from May 1, 2024, to September 16, 2024). In the response, they should describe the type of work (e.g. intakes, clinics, case work) with which the fellow(s) will engage and the fellow(s)’ role and the areas of law with which the fellow(s) will be assisting. 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.
- **Organizational Benefit:** Applicants should describe the larger impact this grant will have on the organization, including how the fellow(s)’ contributions will impact the organization’s programs and/or overall success. Specifically, the applicant should consider the impact of hosting law fellow(s) on its work, including its ability to serve clients or streamline workflows. The applicant may also include the grant’s impact on its ability to recruit law student candidates for the summer and/or for future staff positions. The response should be specific, and it may reference previous benefits the organization experienced as a result of the 2023 Legal Aid Leaders Fellowship program or other previous experience hosting law students.
- **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 identify the supervisor(s) and their experience with the project and supervising others. In addition, applicants should explain the steps that the supervisor(s) will take to ensure that the fellow(s) provides safe, effective, and sensitive legal services to clients; this includes the frequency with which the fellow(s) will meet with the supervisor(s) and the process for the review of their legal work.
- **Support:** Applicants should describe in detail how they will support and develop the fellow(s) over the course of the fellowship and in encouraging a career in legal services for indigent persons. They should explain how the fellow(s) will onboard, receive trainings participate in mentorship, 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

networking opportunities, etc.) that will be provided to the fellow(s) to support their professional development.

- **Recruitment:** Applicants should describe how they recruited or will recruit, select, and confirm their fellow(s) by May 1, 2024. They should explain the plan to seek a strong and diverse pool of candidates, including outreach efforts, and to gauge the candidates' interest in pursuing a career in legal services for indigent persons. Applicants should note whether/how their evaluation criteria in selecting the fellow(s) relate to the proposed work of the fellow. If the fellow(s) has already been selected, applicants should note if anything makes them particularly qualified to perform the work proposed.

Funding Preferences (30 points)

Based on responses provided in the proposal, the committee will score each sub-section as "Exceeds Expectations," "Meets Expectations," "Below Expectations," or "Not Addressed" with corresponding multipliers for a maximum of 30 points. The sub-sections for the Funding Preferences are:

- **Serves rural populations:** Applicants should describe the extent to which the fellow(s) would serve rural communities.

The State Bar relies on the California Access to Justice Commission's (CalAtJ) definition of rural. CalAtJ 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. CalAtJ 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. Applicants must identify the MSSA tract(s) where the fellow(s) will provide services. MSSA data is available on the [California State Geoportal](#).⁴

- **Serves underserved populations:** Applicants should describe the extent to which the fellow(s) 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

⁴ The portal is a searchable database and filters for "Rural" and "Frontier" may be used to help applicants identify MSSA tracts within their service area.

other populations that are underserved relative to the indigent population 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 the fellow(s) will serve clients regardless of immigration or citizenship status. They should elaborate on the applicant's policies and practices, including outreach efforts, to serve clients regardless of immigration or citizenship status.

APPLICATION COMPONENTS

A complete 2024 Legal Aid Leaders 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: Fellowship Description

The project description would include detailed information about the fellowship. This includes responses to the impact, organizational benefit, supervision, support, recruitment, and funding preference rubric categories. Applicants should provide detailed narratives about the applicant's qualifications and resources for the project.

3. Form C: Fellowship Budget

The fellowship 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 may include expenses between May 1, 2024, and September 16, 2024.

4. Form D: Budget Narrative

The budget narrative would include descriptions of payroll taxes, benefits, and other direct or indirect costs associated with the fellowship(s), if applicable.

5. Form E: Fellow(s) Application Materials

If already selected, applicants should upload the cover letter(s) and/or resume(s) of the fellow(s).

6. Form F: Project Assurances

Applicants are required to assure compliance with the following:

- A. Applicant agrees that it will use funds it receives from the 2024 Legal Aid Leaders Fellowship Grant only for purposes stated in its application.
- B. Applicant will immediately notify the State Bar of California (State Bar) if the grant-funded fellow leaves the organization before it has finished spending down its award.
- C. Applicant will return its grant award if they have not selected and confirmed State Bar-funded fellow(s) by May 1, 2024, unless the State Bar, in its sole discretion, makes an exception.
- D. Applicant will return any unused 2024 Legal Aid Leaders Fellowship Grant funds within one month of the end of the award period (by October 16, 2024).

- E. Applicant will not discriminate based on race, color, national origin, religion, gender, disability, age, marital or domestic partnership status, medical condition, or sexual orientation.
- F. Applicant will comply with fiscal management and quality control procedures adopted by the State Bar.
- G. Applicant will permit reasonable site visits and will present additional information deemed reasonably necessary to determine compliance with the terms of the grant.
- H. Applicant will comply with all applicable federal, state, and local employment laws as well as all other applicable laws and regulations.
- I. Applicant will make available to the fellow(s) 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.
- J. Applicant will facilitate and encourage fellow(s) to complete required fellowship surveys and participate in Legal Aid Leaders Fellowship programming, including in-person and remote events hosted by California ChangeLawyers.
- K. 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.
- L. Applicant understands that any proposal submitted for a 2024 Legal Aid Leaders Fellowship Grant, and all documents submitted pursuant to issuance of this funding, are public documents, and may be disclosed to any person.
- M. Applicant understands that 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 2024 Legal Aid Leaders 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, file a final financial report and program evaluation, which includes a description of the types of cases or matters on which the fellow(s) worked.

FINANCIAL REPORTING

Organizations that receive a 2024 Legal Aid Leaders Fellowship Grant are required to submit a final financial report documenting grant expenditures, including 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(s) to the organization's services. The report will seek information about the following topics, among others:

- Changes, if any, in the grantee's approaches to supervision, training, support, and/or recruitment or selection processes as described in the application;
- Processes for the fellow(s) to provide feedback;
- Lessons learned and changes implemented in response to the feedback;
- Areas of law where fellow(s) provided support;
- Counties and target populations served by the fellow(s);
- Languages in which the fellow(s) provided support;
- Opportunities extended for the fellow(s) to continue with the organization beyond the grant period;
- The scope of work that the fellow(s) performed during the grant period, including the fellow(s)' greatest accomplishments; and
- The effect that the fellow(s)' work had on the organization's services to QLSPs or low-income Californians, especially notable case outcomes.

In addition, grant-funded fellows must complete two surveys to share their expectations and experiences during the fellowship. The questions will 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.