



The State Bar *of California*

OPEN SESSION

AGENDA ITEM 3.7

JUNE 2024

LEGAL SERVICES TRUST FUND COMMISSION

DATE: June 21, 2024

TO: Members, Legal Services Trust Fund Commission

FROM: Members, Partnership Grants Committee

SUBJECT: Approve Recommendations for 2025 Partnership Grant Request for Proposal

EXECUTIVE SUMMARY

For the past four grant administration cycles, the Partnerships Grants Committee (PG Committee) has used a scoring rubric during its review of Partnership Grant applications and determination of funding recommendations. Based on PG Committee feedback from the 2024 application review and in an effort to better streamline and provide transparency to the review process, staff recommended and the PG Committee approved revisions to the 2025 Partnership Grant Request for Proposal (RFP), application, and corresponding scoring rubric at its February 6, 2024, PG Committee meeting. To allow adequate time to complete applications, staff released the 2025 Partnership Grant application in April with a deadline of May 9, 2024. Unfortunately, due to the tight timing of the grant cycle, this was prior to presenting to the LSTFC for approval. This memo recommends to the LSTFC approval of the 2025 Partnership Grant RFP.

BACKGROUND

The Partnership Grants program is established by the State Budget Act, which annually provides that “[t]en percent of the [Equal Access Fund] ... shall be for joint projects of courts and legal services programs to make legal assistance available to pro per litigants.” Funding is allocated through the Budget Act to the Judicial Council, and the Judicial Council has authority for final approval of grants. The State Bar administers the grant selection and distribution process through a contract with the Judicial Council. The LSTFC oversees the administration of these grants, delegating primary responsibility for review and recommendations to the PG Committee.

The State Bar and Judicial Council have approved criteria limiting eligibility for Partnership Grant funding. Applicants must be Qualified Legal Services Projects, proposals must be for joint projects with a California court, and funding is restricted to providing assistance to self-represented civil litigants. While all projects must meet threshold eligibility requirements, the Judicial Council and LSTFC have provided general guidance to help organizations identify projects that best fulfill the goals and intention of the Partnership Grants program.

The 2025 Partnership Grants period is from January 1, 2025, to December 31, 2025. The 2025 grant application was released in April and due in May 2024, with the review cycle commencing in June 2024.

DISCUSSION

The LSTFC adopted new State Bar Rule 3.680(G), effective November 16, 2023, to codify the use of a scoring rubric to aid in the review and evaluation of competitive discretionary grant applications. The scoring rubric should, absent an explanation from the LSTFC, consist of general selection criteria: Impact, Administration, and Evaluation, as well as other grant-specific criteria. Selection criteria, point allocations, and implementation of the scoring rubric will be at the discretion of the LSTFC.

The PG Committee first used a formal scoring rubric during review of the 2022 Partnership Grant applications and continued using this tool for additional funding received in 2022 and the 2023 and 2024 Partnership Grants. The rubric assigned point values to defined categories, based on selection criteria outlined in the Partnership Grants Request for Proposal (RFP) (see Attachment A).

Following the 2024 PG application review, the PG Committee had a discussion at its July 19, 2023, meeting to provide feedback on the effectiveness of the RFP and scoring rubric with the goal to improve the grant review process moving forward. The PG Committee suggested streamlining the application where possible and updating the funding priorities section of the rubric to add flexibility and clarity to the review process and to provide additional transparency to applicants. Based on this feedback, the PG Committee approved the following changes to the RFP and scoring rubric for the 2025 grant: (1) broaden the category within Funding Priorities to projects that support “underserved populations” and include unmet rural needs within that category as a possible example; (2) remove the separate section titled “Other Policies Regarding the Administration of Partnership Grants” from the end of the RFP and integrate the policy guidance where appropriate into application materials; (3) streamline the application, RFP, rubric, and application instructions.

PROPOSED CHANGES TO THE 2025 PG APPLICATION AND RFP

Broaden Funding Priorities to Projects that Support “Underserved Populations”

The Funding Priorities section of the 2024 rubric provides that in making decisions regarding which projects should receive additional preference points, reviewers will consider factors that

include, but are not limited to (a) whether the project is new, and (b) whether the project supports unmet rural needs, even if operating beyond a fifth year of funding.

Reflecting on the 2024 grant review process, the PG Committee felt the category of “unmet rural needs” was too narrow and that some projects, despite being located squarely in urban counties, impacted remote or underserved communities in need of legal services. One member stated that “unmet rural needs” seemed to be a proxy for “underserved populations,” which is the more apt description of the target audience the Partnership Grants aim to serve.

The PG Committee recommends broadening the category within Funding Priorities from projects that support “unmet rural needs” to projects that support “underserved populations,” and adding examples to the rubric of what might constitute “underserved populations” to ensure applicants and reviewers have a shared understanding of the term¹. Notably, supporting “unmet rural needs” would be included as an example. The PG Committee would maintain discretion to determine what is considered an underserved population when assigning the appropriate funding priority level.

Remove Separate “Other Policies” Section from RFP

At the end of the prior Partnership Grant RFPs is a separate section titled “Other Policies Regarding the Administration of Partnership Grants.” The PG Committee recommends moving this section from the end of the RFP and instead integrating the policy guidance where appropriate directly into application materials. The section includes specific guidance and examples on the following topics: (1) Self-Representation and Attorney-Client Relationships (July 2017); (2) Overhead, Administration, and Audit (August 2018); (3) Use of Partnership Funding as a Sub-grant Covering Wages of Court Staff (August 2018); (4) Funding of Supervised Settlement Services through Partnership Grants (July 2019). For example, language was added directly to the RFP’s Eligibility Requirements section providing more detailed explanation regarding what constitutes Joint Court/Qualified Legal Services Projects and Self-Represented Civil Litigants. Placing the relevant information from these policies closer to where the applicant needs them within the application instructions or directly in the application would increase transparency and the likelihood that applicants follow the guidance.

Streamline Application Materials

The PG Committee recommends streamlining the RFP, application, and related materials in multiple areas where content can be shortened, rearranged, or rephrased to increase clarity and efficiency. Examples include clarifying instructions in the application, consolidating sub-questions, and reordering sections to improve flow and to better align the application with the RFP. Instructions in the application and rubric were condensed and reworded to guide grantees and reviewers more efficiently through the materials. All of these changes are administrative or

¹ The proposed definition reads, “Whether a population is ‘underserved’ may be based on factors such as unmet rural needs, or on the population comprising individuals with particular characteristics who are underserved in the particular county, including but not limited to characteristics based on race, ethnicity, age, limited English proficiency, disability status, and veteran status.”

technical in nature. The result is a considerably shorter and more straightforward PG application and RFP.

RECOMMENDATIONS

Should the Commission concur with the Partnership Grants Committee's proposal, passage of the following resolution is recommended:

RESOLVED, that the Legal Services Trust Fund Commission approves the 2025 Partnership Grant Request for Proposal and scoring rubric.

ATTACHMENT(S) LIST

- A. 2025 Partnership Grant Request for Proposal



The State Bar of California

OFFICE OF ACCESS & INCLUSION

2025 PARTNERSHIP GRANTS REQUEST FOR PROPOSALS

This document provides information for organizations interested in submitting proposals for Partnership Grants. Organizations should review this document to ensure that the proposed projects are eligible for this funding.

Partnership Grants are competitive and discretionary. Project proposals must be submitted on SmartSimple by **5:00 p.m. on Thursday, May 9, 2024.**

If you have any questions, please contact Angela O'Hara at angela.ohara@calbar.ca.gov.

BACKGROUND

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

Partnership Grants are awarded through a competitive process. Grants are awarded for a one-year period commencing January 1 and ending December 31. Decisions of the LSTFC, as approved by the Judicial Council, are final; there is no appeals process. Due to the limited availability of funding, grant award allocations vary, and all proposals may not be funded. For the 2024 grant year, 37 eligible projects were funded in a range from \$25,000 to \$262,000 for a total of \$4.69 million.

Consideration will be given to ensure this funding supports projects serving a diverse range of geographic areas, substantive issues, and client constituencies. At the conclusion of the grant year, grantees must submit a report and evaluation on the use and impact of these funds.

2025 PARTNERSHIP GRANTS SCORING RUBRIC

In an effort to provide transparency and equity in the review process, the Legal Services Trust Fund Commission uses a scoring rubric as a tool to help guide review of all proposals. The rubric

is comprised of four sections - Eligibility Requirements, Selection Criteria, Funding Priorities, and Innovation.

Eligibility Requirements

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

- **Qualified Legal Services Projects (QLSPs):** Pursuant to Business & Professions Code 6210 et seq., only QLSPs are eligible to apply for Partnership Grants.
- **Joint Court/Qualified Legal Services Projects:** Proposals must be for projects jointly developed and implemented by California State courts and QLSPs. Partnership Grant funding may be used to support supervised settlement services to assist litigants in settling their litigation, so long as the settlement services are a component of court-based litigation and overseen by an attorney.
- **Indigent Persons:** Use of Partnership Grant funds is restricted to the provision of services to indigent persons as defined under Business and Professions Code §6213(d). “Indigent person” means a person whose income is (1) 200 percent or less of the current poverty threshold established by the United States Office of Management and Budget or (2) who is eligible for Supplemental Security Income or free services under the Older Americans Act or Developmentally Disabled Assistance Act.
- **Self-Represented Civil Litigants:** Partnership Grant funding is restricted to providing assistance to individuals who are or expect to be engaged in civil litigation without representation by counsel. These funds cannot be used to make court appearances on behalf of litigants. Self-represented litigants are not prohibited from forming a confidential relationship with a lawyer, so long as they are unrepresented when they appear in court and an attorney does not sign or appear on any of their court filings.

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

Selection Criteria (85 points)

Based on responses provided in the proposal, the LSTFC will evaluate the project based on the following categories: court involvement, project impact, administration, continuity planning, and evaluation. The LSTFC will score each category as “Exceeds Expectations,” “Meets Expectations,” or “Below Expectations” with corresponding multipliers for a maximum of 85 points. Generally, responses that provide relevant and detailed information, such as metrics or specific examples, would be scored favorably. Responses that do not appear responsive to the selection criteria’s description may be considered “below expectations.”

Funding Priorities (15 points)

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

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

- Whether the project is new. The LSTFC maintains discretion to determine what is considered a new project, and may consider factors, that include, but are not limited to, whether the project was previously or currently funded or proposes a substantial change to an existing service delivery model.
- Whether the project supports underserved populations. Whether a population is “underserved” may be based on factors such as unmet rural needs, or on the population comprising individuals with particular characteristics who are underserved in the particular county, including but not limited to characteristics based on race, ethnicity, age, limited English proficiency, disability status, and veteran status.

Optional – Innovation (up to 5 points)

The LSTFC encourages innovative projects and may award up to 5 bonus points for innovation.

Examples of innovation may include:

- Projects exploring new ways of providing services or using technology to expand or improve services.
- Initial projects in a case type (first consumer program, first conservatorship program, etc.)
- Projects with models that were successful in other jurisdictions but are new to the court.
- Projects involving courts that have not had projects in a long time.

| ELIGIBILITY REQUIREMENTS | | | |
|--|------------------------------|-----------------------------|------------------------------|
| Please select “yes” or “no” for each requirement. | | | |
| Applicant is a Qualified Legal Services Project. | <input type="checkbox"/> YES | <input type="checkbox"/> NO | |
| Proposal is jointly developed and implemented by a California State court. | <input type="checkbox"/> YES | <input type="checkbox"/> NO | |
| Proposed services will be provided only to indigent persons, as defined under Business and Profession Code §6213(d). | <input type="checkbox"/> YES | <input type="checkbox"/> NO | |
| If NO, has the project identified non-Partnership Grant funds that will cover this work? | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> N/A |
| Proposed services will be provided only to self-represented litigants (individuals who are or expect to be engaged in civil litigation without representation by counsel). | <input type="checkbox"/> YES | <input type="checkbox"/> NO | |
| If NO, has the project identified non-Partnership Grant funds that will cover this work? | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> N/A |

| DEFINITIONS | |
|-----------------------------|--|
| Exceeds Expectations | Response is very high quality, addressing all questions in the request for proposal and all elements of the selection criteria. The identified strengths are substantial with minimal or no weaknesses. Any identified weakness has minimal effect on the overall quality of the response. |

| | |
|---------------------------|---|
| Meets Expectations | Response is good, effectively addressing most questions in the request for proposal and selection criteria. Strengths and weaknesses are identified that may balance each other in significance. Overall quality of response is satisfactory. |
| Below Expectations | Response is weak, neglecting to address questions in the request for proposal and elements of the criteria. The identified weaknesses hold significant weight, overshadowing the identified strengths. Overall quality of response is inadequate, with significant flaws in key elements. |

SELECTION CRITERIA (85 PTS)

Checkmark the appropriate ranking for each category, and then multiply by the number below. Add sub-scores from A and B to get the total points for this section.

| CATEGORY & DESCRIPTION | Exceeds Expectations | Meets Expectations | Below Expectations |
|---|-----------------------------|---------------------------|---------------------------|
| <u>Court Involvement</u> A successful proposal will indicate significant cooperation between the partner court and legal services organization, integration with other court-based services, and if the project's services are to be reserved for only one litigant role, such as petitioners but not respondents, this has been thoroughly explored with the court, and alternate legal resources that can provide meaningful if not equivalent levels of assistance to the opposing parties have been identified. | | | |
| <u>Project Impact</u> A successful proposal will clearly describe the needs of the targeted population and how anticipated outcomes and related budget of the proposed activity(ies) will have a meaningful impact on this population. Outcomes may include the number of people served, nature of the impact, and other project deliverables that will be achieved with this grant funding during the grant period. | | | |
| A. Number of Check Marks | X20= | X15= | X10= |
| Subtotal (A) | | | |
| <u>Administration</u> A successful proposal will demonstrate the ability and capacity to implement and manage the proposed activity(ies). Strong administration includes adequate staffing, leadership, and oversight of project monitoring, outreach, and resource development. An applicant's historical demonstration of its ability to meet goals from prior grants and timely reporting of results/outcomes will also be considered under this category. | | | |
| <u>Continuity Planning</u> A successful proposal will address whether or how its proposed services can continue with funds other than those provided by Partnership Grants and | | | |

| | | | |
|---|-------------|-------------|------------|
| provide details of past efforts and future plans to secure such alternate funding. | | | |
| Evaluation A successful proposal will incorporate meaningful evaluation plans and metrics that effectively demonstrate whether and how the project's planned goals are being achieved. This may include a clear statement of the project goals, strategies to be used to achieve those goals, evaluation methods to be used to make any mid-course adjustments to the delivery model, and evaluation methods to gauge the project's success. Returning organizations applying for the same funding opportunity will also need to address prior evaluation outcomes and metrics. | | | |
| B. Number of Check Marks | X15= | X10= | X5= |
| Subtotal (B) | | | |
| Selection Criteria Total (A+B) | | | |

FUNDING PRIORITIES (15 PTS)

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

| | |
|---|-------------|
| In making decisions regarding funding priorities, consider factors that include, but are not limited to: <ul style="list-style-type: none"> Whether the project is new. The LSTFC maintains discretion to determine what is considered a new project, and may consider factors, that include, but are not limited to, whether the project was previously or currently funded or proposes a substantial change to an existing service delivery model. Whether the project supports underserved populations. Whether a population is "underserved" may be based on factors such as unmet rural needs, or on the population comprising individuals with particular characteristics who are underserved in the particular county, including but not limited to characteristics based on race, ethnicity, age, limited English proficiency, disability status, and veteran status. | 3 2 1 |
| Funding Priority Total Score | X5 = |

OPTIONAL - INNOVATION (up to 5 PTS)

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

| | | |
|--|-----|----|
| In deciding to award additional points for innovation, consider factors such as whether the project explores new ways of providing services or using technology, offers an initial case type (first consumer program, first conservatorship program, etc.), or applies a model that was successful in another jurisdiction but is new to this court. | YES | NO |
| Bonus Points Awarded (1-5 pts) | | |
| Reason(s) for awarding bonus points for innovation: | | |

GRANTMAKING TIMELINE

| Date(s)* | Activity |
|-----------------------|---|
| April 4, 2024 | Application released |
| May 9, 2024 | Applications due |
| May-July, 2024 | LSTFC and staff review and score applications |
| August 9, 2024 | LSTFC makes funding recommendations |
| September 19-20, 2024 | Judicial Council approves grant recommendations |
| November 15, 2024 | Applicants submit budgets and remaining application information (i.e., letter of support, MOUs) |
| December 31, 2024 | Grant agreements signed |
| January 1, 2025 | Grant period starts |

*Dates are approximate to accommodate applicant, commissioner, and staff availability and needs

REPORTING REQUIREMENTS

At the end of the grant year, grantees must submit a comprehensive report and evaluation on the use and impact of the Partnership Grant funds, providing quantitative and qualitative data describing project activities.

Reporting requirements will include:

- A. **Expenditures:** Report actual expenditures for the grant period. Grantees with discrepancies in actual expenditures compared to the approved budget or approved budget modification must provide an explanation. Any Partnership Grant funds that remain unspent at the end of the grant period without an approved carryover must be returned to the State Bar. Grantees with approved carryovers are permitted to spend remaining Partnership Grant funds for up to an additional six months and will be required to close out the grant at that time.
- B. **Activities:** Report on all project activities funded by the Partnership Grant during the grant period, including project focus areas, demographic groups served, language services offered, project goals versus actuals, services provided, and number of individuals served.
- C. **Evaluation:** Report on evaluation efforts during the grant period, including how litigant feedback was obtained and how project impact was assessed. Grantees will also describe how project staff and partner court staff collaborated to provide services.