



COMBINED IOLTA-BCLS-GR-CVCLS APPLICATION PACKAGE

Civil Legal Aid for the Poor

Grant Application and Assurances for the 2010-2011 Grant Application

(September 1, 2010 – August 31, 2011)

Deadline: Monday, March 29, 2010

For Further Information Contact:
Texas Access to Justice Foundation
1601 Rio Grande, Suite 351
Austin, Texas 78701
E-mail: jvickery@teajf.org

Phone: (512) 320-0099 ext. 110 | (800) 252-3401 ext. 110 | Fax: (512) 469-0112

GENERAL INFORMATION

Deliver the Forms and Enclosures to the Texas Access to Justice Foundation (TAJF):

Submit the completed application by delivering a signed, hard copy original to TAJF addressed as follows:

**Attention: Jonathan W. Vickery
Texas Access to Justice Foundation
1601 Rio Grande, Suite 351
Austin, Texas 78701**

and e-mailing an electronic copy to **reports@teajf.org**. Return completed forms in their original electronic format; please do not convert into a PDF.

If you are unable to submit the application by e-mail or experience difficulty doing so, contact Jonathan Vickery at (800) 252-3401, ext. 110. If you have an attachment that cannot be transmitted in electronic form, be sure to include it in the hard copy submission and note that you are submitting hard copy only. Applications cannot be sent via fax.

SUBMISSION DEADLINE

ALL APPLICATIONS MUST BE RECEIVED AT TAJF OFFICE BY NO LATER THAN MARCH 29, 2010 AT 5:00 P.M.

Instructions:

- You will complete only this one application for funds but detail where provided, the grant (IOLTA-BCLS-GR [New BCLS]-CVCLS) you are requesting and providing information on. Use only the space provided.
- Total ALL IOLTA funds received for the GY 2009-2010, including comparability funds; salary enhancement/retention; under-served, GAP as well as innovative and general support IOLTA New Funds into one amount and proposal. Your proposal and budget should reflect the factor that there are approximately 13-15% less funds available including **45%** less IOLTA funds and **10%** less in GR/New BCLS Funds from the amount you received for the 2009-2010 grant year.
- Any application for GR New Funds (previously referred to as NEW Funds BCLS under innovative and general support) should be considered a one time funding project. They are treated as BCLS funds but are general revenue from the 81st legislature.
- Complete fully all tabs in the excel spreadsheet file, "Part II Financial Information for Funding 10-11.xls" included with this application. Scroll to view all tabs.

IT IS RECOMMENDED NOT TO REQUEST ADDITIONAL FUNDS OR SHIFTING OF FUNDS. There are less IOLTA and GR funds and TAJF will have to prioritize IOLTA funds for programs and proposals that can only be funded with IOLTA funds. This is no guarantee that your proposed budget will be funded at the submitted level.

A. Program Information

Organization Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Web Site Address: http://www. _____

Executive Director: _____

Phone: _____ Fax: _____

Executive Director's E-mail Address: _____

Chair of Governing Board: _____

Board Chair's Address: _____

Phone: _____ Fax: _____

Date Incorporated: _____
 day/month/year Federal Tax Identification Number: _____

B. Amount(s) Requested - Check the Grant and Amount Received in 2009-2010 and Requested Funds in this Application

Check Funds Received 2009-2010	Low Income Population Grant Application	Discretionary Grant Application
<input type="checkbox"/> IOLTA Funds Requested:	\$ _____	\$ _____
<input type="checkbox"/> BCLS Funds Requested:	\$ _____	\$ _____
<input type="checkbox"/> GR (New BCLS) Funds Requested:	\$ _____	\$ _____
<input type="checkbox"/> CVCLS Funds Requested	\$ _____	\$ _____
Total:	\$ _____	\$ _____

C. Checklist

<input type="checkbox"/>	2010 Client Financial Eligibility Guidelines
<input type="checkbox"/>	Proof of 501 (c) (3) Tax-Exempt Status
<input type="checkbox"/>	2009 Audited Financial Statement/Audit and Management Letter and 990 (if not finalized by submission date, must be received by August 15)
<input type="checkbox"/>	Organization's Non-Discrimination Policy- regarding employment and services
<input type="checkbox"/>	List of Pending Disciplinary Complaints against program lawyers
<input type="checkbox"/>	Current List of Malpractice Lawsuits Pending
<input type="checkbox"/>	Policy for Limited English Proficiency Clients and Applicants
<input type="checkbox"/>	Policy for Handling Fee-Generating Cases
<input type="checkbox"/>	Client Retainer Agreement
<input type="checkbox"/>	Policy on Fees/Costs to be Paid by Clients
<input type="checkbox"/>	TAJF Assurance Form 1
<input type="checkbox"/>	BCLS Certification Form 2
<input type="checkbox"/>	Roster of Current Board of Directors/Trustees Form 3

D. Signatures

Executive Director Signature _____

Chair of Board Signature: _____

E. Overview of the Applicant Organization

1. Changes in Organization

Please highlight any material changes in your organization in 2009 or 2010.

2. Changes in Legal Services Program

Please highlight any material changes in your legal services program in 2009 or 2010.

F. Description of Proposed TAJF Funded Legal Services Program

1. Target Populations by TAJF Funding Source

Check the appropriate category for each funding source as to what population will be served by the funding source in the table below.

IOLTA BCLS GR CVCLS

a. General low income population; no specific client groups targeted.

b. One low income client group

If item "b" is checked, you must check below the specific group targeted by your services.

- _____ (1) Elderly
- _____ (2) Children/youth
- _____ (3) Women
- _____ (4) Persons with disabilities
- _____ (5) Inmates
- _____ (6) Immigrants (including refugees)
- _____ (7) Migrant workers
- _____ (8) Homeless persons
- _____ (9) Persons with AIDS
- _____ (10) One distinct population other than above - *specify:*

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c. Other - specify: _____

2. Target Population and Problems to be Addressed

Provide a clear statement, supported by community characteristics, demographic and statistical data, of the problems to be addressed by the proposed activities and services. Include whether any formal needs assessment has been conducted within the last 12-18 months by your organization.

5. Specific Uses for the Requested Funds

Describe the specific purposes for which the continued funds will be used regarding personnel - for example, "The requested funds will cover salaries and support costs for 1.5 full time equivalent lawyers to represent clients in housing matters."

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6. Definition of a Case Used for Statistical Reporting Purposes

Please check below that which best describes the organization's definition of a case for statistical reporting purposes. Check ONE only:

- We use the TAJF Fund's definition of a case which is as follows:

A "case" is a distinct legal problem or a set of closely related legal problems of a client, and legal activities or processes used in resolving those problems. The case must have been accepted by the program and includes minimally advice, counsel and limited legal action, as well as other types of legal representation. A client with two or more closely related problems will be considered as presenting a single case if all of the problems will be resolved through a single legal process or forum. The provision of legal information solely, does not constitute a case.

- We use a different definition, which is as follows (briefly describe below):

7. Overview of Legal Services and Activities to be Provided by Funds

Indicate in the space below, the client needs, their legal problems and/or gaps in community services to be addressed with TAJF funding and describe the kinds of legal services to be provided by each fund and to whom they will be provided. **PLEASE BE CONCISE.** For example, TAJF funds are sought to initiate a multi-faceted legal services project serving victims of domestic violence in the panhandle.

IOLTA

BCLS

GR (New BCLS Funds)

CVCLS

8. Anticipated impacts of TAJF FUNDS - Number of clients to be provided with direct legal services.

How many persons will receive legal services during this grant period, assuming the proposed budget is awarded?

<u>Level of Service Provided:</u>	<u>Estimated Number of Persons to Be Provided TAJF Funded Legal Services:</u>
Brief Advice and/or counsel	_____
Assistance in Completing Forms or Applications or other limited service	_____
Representation in Court and/or Administrative Proceedings	_____
Representation in Appeals or Other Complex Matters	_____
Other Legal Assistance Specify Below:	_____
_____	_____
Total Estimated Persons	_____

9. Clients with Special Needs

Describe any measures that will be used to facilitate access to TAJF funded services for clients with the following needs:

Primary language other than English:	
Physically or mentally disabled:	
Lacking transportation to your office location:	
Low-income working clients (extended office hours, etc.):	

14. Collaboration with Private Bar and Other Community Organizations

Please give one example of cooperating and collaborating in your service area for each of the following:

- (a) all other organizations providing civil legal services to the indigent:

- (b) the local organized bar:

- (c) relevant social and human service organizations;

- (d) relevant governmental agencies, and

- (e) other organizations that specifically provide victim related services.

15. Cases Involving Attorney Fees

Please describe what steps you have taken and how you document that TAJF funds are not being used for any case or matter that, if undertaken on behalf of an indigent individual by an attorney in private practice, might reasonably be expected to result in payment of a fee for legal services from an award to an individual client from public funds or from an opposing party, unless appropriate attempts have been made to obtain representation from an attorney in private practice.

DESCRIBE THE IMPACT THAT REDUCTION OF FUNDS WILL HAVE ON YOUR PROGRAM

In the space provided, present an executive summary of the impact reduction in IOLTA funds and/ or reduction in GR (New BCLS) funds. Please be as specific as possible including the estimated number of positions that will be impacted either by reduction or attrition.

Using only the space provided, to explain with as much specificity as possible what will be cut or reduced because of the reduced funding

- Types and level of legal services that will be cut to low-income people in Texas;
- Number of people who will be impacted and how you arrived with this figure;
- Please identify what positions or jobs will be reduced or cut and whether you will be forced to lay off any staff or reduce hours. Please state the number of FTE positions and job titles that will be impacted and how.

FORM 1
GRANT ASSURANCES
Assurances Given by Applicant as Conditions for Receipt of any TAJF Grant

Applicant assures that:

1. It will restrict the use of TAJF funds to permissible activities and legal services to permissible eligible clients. The attached restrictions for TAJF funds has been reviewed and will be strictly complied with.
2. It will not discriminate on the basis of race, creed, religion, marital status, color, national origin, sex, age or disability, or as otherwise prohibited by the laws of the United States and the State of Texas, against (1) any person applying for employment or employed by the applicant with respect to any personnel action proposed or taken concerning the applicant or employee and (2) any person seeking participation in, or the benefits or proceeds of, the program or projects supported in whole or part by TAJF funds.
3. Except for matters involving limited advice and brief services (e.g. clinics, hotlines, and similar services), applicants shall execute a written retainer agreement, or letter of engagement with each client who receives legal services from the grantee. For cases that are referred by applicants to pro bono private attorneys, applicants shall make available to the accepting attorney a standard form retainer agreement which may be modified based on agreement between the pro bono attorney and client.
4. **TexasLawHelp Participation Certification** – Applicants understand that they must be listed in the TexasLawHelp directory of legal services. See www.TexasLawHelp.org. If not, applicant will contact TexasLawHelp and create such listing prior to receipt of any award. If grantee is listed in the TexasLawHelp directory, grantee assures that its listing on TexasLawHelp is accurate and up-to-date as of the date of this application.

Applicant further agrees to provide a link to Texaslawhelp on their own organization web site that will be displayed prominently .

Applicant further agrees that prior to their 2010-2011 grant application being funded, they will select an existing substantive law folder on Texaslawhelp; consult with Texas Legal Services Center as to what content, materials are needed that they can provide, create or update and will contribute to the web site, content prior to any release of funds relating to the award of funds for 2010-2011. It will provide, upon request, periodic written reports detailing the use of TAJF funds in light of the proposed use described in the grant application.

I have read these assurances and understand that if this application is approved for funding, the grant will be subject to these assurances. I certify that the applicant will comply with these assurances if the application is approved.

Executive/Program Director:

Board Chairperson:

Signature: _____

Signature: _____

Date: _____

Date: _____

TAJF FUNDS RESTRICTIONS

IOLTA funds may not be used:

- To directly fund class action lawsuits;
- To directly fund lawsuits against governmental entities, except by individuals to secure entitlement to benefits such as, but not limited to, social security, aid to families with dependent children, food stamps, special education for the handicapped, Medicare, Medicaid, subsidized or public housing, or other economic, shelter or medical benefits provided directly to indigent individuals;
- To support lobbying for a candidate or issue and
- May not be used in matters that might reasonably be expected to result in a fee from public funds or from an opposing party unless appropriate attempts have been made to obtain representation from an attorney in private practice (SEE BELOW ATTORNEY FEE CASES).

BCLS funds may not be used:

- To directly or indirectly support a class action lawsuit;
- To directly or indirectly support a lawsuit against a governmental entity (except by groups or individuals to gain benefits authorized by statute or regulation -SEE BELOW SUITS AGAINST GOVERNMENT), political party or candidate;
- To directly or indirectly support lobbying for or against a candidate or issue;
- To directly or indirectly support abortion litigation;
- To directly represent an individual who is confined to jail or prison;
- To directly provide legal services to an individual who is not legally in this country unless necessary to protect the physical safety of the individual and
- May not be used for any case or matter that, if undertaken on behalf of an indigent individual by an attorney in private practice, might reasonably be expected to result in payment of a fee for legal services from an award to an individual client from public funds or from an opposing party, unless appropriate attempts have been made to obtain representation from an attorney in private practice (SEE BELOW ATTORNEY FEE CASES).

CVCLS funds may not be used:

- To support class actions;
- To directly or indirectly support a lawsuit against a governmental entity (except by groups or individuals to gain benefits authorized by statute or regulation - SEE BELOW SUITS AGAINST GOVERNMENT), political party or candidate;
- To directly or indirectly support lobbying for or against a candidate or issue and
- May not be used for any case or matter that, if undertaken on behalf of an indigent individual by an attorney in private practice, might reasonably be expected to result in payment of a fee for legal services from an award to an individual client from public funds or from an opposing party, unless appropriate attempts have been made to obtain representation from an attorney in private practice (SEE BELOW ATTORNEY FEE CASES).

SUITS AGAINST GOVERNMENT - Funds may be used to support a lawsuit brought by an individual, solely on behalf of the individual or the individual's dependent or ward, to compel a governmental entity to provide benefits that the individual or the individual's dependent or ward is expressly eligible to receive, by statute or regulation, including social security benefits, aid to families with dependent children, financial assistance under Chapter 31, Human Resources Code, food stamps, special education for persons with disabilities, Medicare, Medicaid, subsidized or public housing, and other economic, shelter or medical benefits provided by a government directly to an indigent individual, **but not to support a claim for actual or punitive damages.**

ATTORNEY FEE CASES - The prohibition of handling cases involving attorney fees shall not be applicable in any case where the organization determines in good faith that the indigent person seeking legal assistance has made reasonable efforts to obtain the services of an attorney in private practice for the particular matter (including contacting attorneys in private practice in the county of residence of the indigent person who normally accept cases of a similar nature), and has been unable to obtain such services because the potential fee is inadequate, is likely to be uncollectible, would substantially consume any recovery by the client, or because of any other reason which the organization, acting in good faith, believes prevents the client from obtaining the services of a private attorney.

A BCLS grantee awarded attorney's fees shall send the attorney's fees to the Comptroller if any attorney representing any party involved in the case was paid in that case directly from funds from a BCLS grant. The Comptroller shall deposit the fees to the credit of the Account for use in the Basic Civil Legal Services Program.



FORM 2

BCLS ANNUAL CERTIFICATION

By signing the 2010-2011 BCLS Grant Agreement, I hereby certify that the organization named below will act in accordance with the Grant Agreement; Chapter 51, Government Code, Subchapter J ("the Act"); and the Rules and Procedures Governing the Administration of the Basic Civil Legal Services Program, Including the Distribution of and Sanctions with respect to the Funds ("the Rules"). I further certify that, in compliance with Rule 9.4 (i), that no BCLS Funds will be used for any activities prohibited by the Act or the Rules.

Name of Executive Director

Signature

Date

Name of Organization

