



MEMORANDUM

TO: Interested Persons

FROM: Jonathan W. Vickery, Associate Director and Director of Grants

SUBJECT: Announcement of Funding Opportunity for GY 2019-2021 for Civil Legal Aid for Low-Income Persons in Texas: Due April 29, 2019

DATE: February 27, 2019

The Texas Access to Justice Foundation (TAJF) is pleased to announce the next funding opportunity for existing grantees and new applicants to provide free basic civil legal services to eligible low-income persons in Texas.

Read carefully all the attachments prior to registering and starting an application including grant and audit requirements, grant criteria and grant restrictions, all of which follow this announcement. Each grant program has its own particular set of restrictions. Please read them before you begin any application.

TAJF funds programs providing free civil legal services which may include some reasonable support. TAJF does not fund legal assistance in criminal matters; lobbying, class action lawsuits, lawsuits against government entities unless for securing benefits, and some TAJF grant programs prohibit any funding for litigation for actual or punitive damages. TAJF does not fund fee generating cases with a narrow exception.

Grant Applications Due Date

Grant applications are submitted online through the TAJF web grants system by Monday **April 29, 2019 at 5:00 pm**. This announcement makes no guarantee that funds will be available or that applicants may receive funding.

Grant Time Period

Funding decisions will be made mid-summer or early fall. The normal grant period will be from September 1, 2019- August 31, 2021 but TAJF reserves the right to award grants for a shorter duration.

If you have any questions, please feel free to contact the program officer assigned to the grants program or grantee. If you have any questions concerning the online grants system, you can contact Jeanine Lisa at jlisa@teajf.org or at 800-252-3401 ext. 103.

Texas Access to Justice Foundation

2019-21 Grant Cycle

APPLICATION INSTRUCTIONS

**SUBMISSION VIA GRANTS ONLINE ONLY
PAPER APPLICATIONS WILL NOT BE ACCEPTED**

**DEADLINE: 5 p.m., APRIL 29, 2019
LATE SUBMISSIONS WILL NOT BE ACCEPTED**

Applicants are **strongly urged** to submit applications in advance of the deadline to allow for processing and uploading documents to the Grants Online System. Below are the grant programs available.

TEXAS ACCESS TO JUSTICE FOUNDATION

The Texas Access to Justice Foundation (TAJF) (www.teajf.org) was created by the Supreme Court of Texas in 1984 and is the primary state-based funding source for the provision of free civil legal aid to the poor in Texas.

The Board of Directors is appointed by the Supreme Court of Texas and the State Bar of Texas. Over 100,000 Texans each year receive services from 37 current grantees. TAJF has awarded in excess of \$500 million dollars in 35 years of existence. TAJF collects and administers a number of different funds such as those described in this document. TAJF is considered the primary underpinning for the delivery of civil legal aid in Texas.

APPLICANT REQUIREMENTS

Eligibility To be eligible to apply, an applicant must:

- Be in good standing as a Texas 501(c)(3) non-profit corporation.
- Have as a primary purpose the delivery of free civil legal aid to low-income persons in Texas
- Currently offer free civil legal services within a range of legal problems
- Be current in all filings required to be made by it with any governmental authority
- Maintain open records and conduct open meetings (subject to reasonable limitations for an organization of its type)
- Be an equal employment opportunity employer, and
- Be able to demonstrate that it can utilize any funds granted to it in a manner consistent with TAJF rules and policies.

Any organization requesting funds from the Foundation must be able to demonstrate that it keeps and maintain its financial records in accordance with generally accepted accounting principles for organizations of its type and is able to furnish reports to the Foundation in such form and containing such information as required.

All applicants must show the capability to conduct intake and screen and document client eligibility and track and report on all TAJF funds and funded activities.

Applicants must be able to track and record all requested data and information required by TAJF. See Attachment I & II-TAJF Data Collection Handbook.

Applicants must sign compliance assurances (see Attachment V) that clearly provide the restrictions on the use of the funds; provide quarterly and annual certifications and other reporting requirements, demonstrating use of funds and adherence to all grant requirements.

GRANTS CRITERIA

TAJF will not consider any applications for funding unless the organization is already currently providing free civil legal aid to low income individuals or an existing bar association interested in developing a pro bono program.

The major categories of legal problems typically undertaken by a legal aid program on behalf of low-income clients include:

- Consumer/Finance
- Family
- Housing
- Education
- Income Maintenance & public benefits
- Employment
- Immigration
- Health
- Probate

The Foundation, recognizing the size and vast geographic diversity of the state and the unique needs of its various areas, will consider the following criteria in making grants:

- Track record of the applicant organization
- The types of legal aid provided by the applicant
- Availability of other funding for the proposed project
- The number of other organizations in the service area providing similar services
- Requests for one-time needs, e.g. capital additions, outreach campaigns
- Special or underserved populations
- Funds available in service area
- Unmet needs
- Collaborative efforts
- Potential for leveraging other resources
- Development and expansion of pro bono
- Probability of availability of other future funding sources

DESCRIPTION OF AVAILABLE GRANT PROGRAMS

2019-2021 - BCLS Discretionary	Basic Civil Legal Services (BCLS) - Discretionary (Statewide)
2019-2021 - BCLS Low Income	Basic Civil Legal Services (BCLS) - Low-Income Population
2019-2020 - CVCLS Discretionary	Crime Victims Civil Legal Services (CVCLS) - Discretionary (Statewide)
2019-2020 - CVCLS Low Income	Crime Victims Civil Legal Services (CVCLS) - Low-Income Population
2019-2021 - IOLTA Discretionary	Interest on Lawyers Trust Accounts (IOLTA) - Discretionary (Statewide)
2019-2021 - IOLTA Low Income	Interest on Lawyers Trust Accounts (IOLTA) - Low-Income Population

Basic Civil Legal Services (BCLS): TAJF administers the Basic Civil Legal Services (BCLS) Court Program, enacted by the Texas Legislature in 1997 and currently funded by the State Treasury under Strategy B.1.1. Court Programs: Basic Civil Legal Services. Funds awarded by the Texas Access to

Justice Foundation (TAJF) must be used to provide free legal assistance to eligible clients in non-criminal matters.

Crime Victim Civil Legal Services (CVCLS): In 2001, the Texas Office of the Attorney General and the Supreme Court of Texas entered into an agreement to administer a Crime Victims Civil Legal Services fund over the biennium. Interagency Contract with the Office of the Attorney General (OAG) and the Supreme Court and administered by TAJF for the CVCLS grants program. The monies granted must be used to provide free civil victim-related legal services to low-income victims of crime.

IOLTA: On behalf of the Supreme Court of Texas, TAJF administers the Interest on Lawyers' Trust Accounts (IOLTA) Program, established in 1984 by the Supreme Court of Texas. The IOLTA program requires attorneys to pool short-term or nominal deposits made on behalf of clients or third parties into one account. Interest generated by these accounts is dedicated to supporting the provision of free civil Legal Aid to low-income people in Texas.

GRANT RESTRICTIONS Each grant program has its own particular set of restrictions. Applicants must make sure that their application for requested funding to provide free civil legal services is eligible for funding under the particular grant program. For more information on funding restrictions, please see the [IOLTA Rules](#), [BCLS Order](#), [CVCLS Order](#). An example of the type of restriction that exist for particular grant programs is the BCLS funds may not be used for the representation of an individual who is confined to a local, state, or federal jail or prison. BCLS funds may also not be used to provide legal services to an individual who is not legally in this country, unless necessary to protect the physical safety of the individual. (See also [Funding Restrictions](#))

GRANT CATEGORIES: DISCRETIONARY & LOW-INCOME

There are two categories of grants for this funding opportunity: “Discretionary” also known as state-wide and ‘Low-Income” or regional. TAJF has divided the state into three regions consistent with the Legal Services Corporation and to better distribute fairly grants to serve low-income individuals: Northwest, East/Gulf Coast, and Southwest.

- **Discretionary (Disc)** Funding projects of a statewide nature; services provided cross the regional boundaries established and adopted by TAJF consistent with the geographic services areas used by the Legal Services Corporation.
- **Low-Income (LP)**-Funded within one of the three recognized regions, East, Southwest and Northwest. See list of counties included in each region in Attachment II. Funding between the regions is allocated by poverty population



An applicant for a Low-Income grant is limited to offering legal services in one region. Requests to serve additional regions require a separate grant. Only applicants seeking and awarded funds in the discretionary category have the flexibility to use TAJF funds across region boundaries.

FINANCIAL ELIGIBILITY FOR CLIENTS SERVED WITH TAJF FUNDS

TAJF annually issues financial income guidelines (see Attachment VI). These guidelines establish maximum income levels for individuals and families eligible for legal assistance from TAJF-funded legal aid programs. IOLTA & BCLS guidelines are based on 125% of the federal poverty level as established by the U.S. Department of Health and Human Services. CVCLS guidelines are set on 187½%.

AUDIT REQUIREMENTS

If an applicant is funded, TAJF requires all financial audit reports from all grantees to include the management letter issued by the grantee’s auditing firm (i.e. “letter to those charged with governance” – SAS 114), as well as an “Internal Control Deficiency Letter” (SAS 115) if one has been issued.

IOLTA - Minimally, TAJF requires from all grantees receiving IOLTA funds submission of an annual financial statement for the fiscal year ended most recently within one hundred twenty (120) days of the close of their fiscal year. The financial statement shall be prepared in conformity with generally accepted accounting principles and must be audited or reviewed by an independent certified public accountant.

BCLS & CVCLS Grantees - TAJF requires from all BCLS & CVCLS grantees to submit an annual independent audit within 120 days of the close of their fiscal year. The audits must be in accordance with the State of Texas Single Audit Circular, and requires that the audits are made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits. Grantees must comply with the applicable federal and state laws, rules and regulations, directives, guidelines, OMBs, executive orders, and Uniform Grant Management Standards.

The audits must include a supplemental schedule showing revenue and expenses from the grant by natural classification. This schedule(s) must report actual expenses and compare them to the final amended approved budget See (Attachment VI), noting all differences. The financial statement has to be audited by an independent certified public accountant and be conducted in compliance with the Basic Civil Legal Services Program Compliance Supplement dealing exclusively with restrictions imposed on the Funds. All BCLS & CVCLS grantees must be audited regardless of size of the grant award.

CERTIFICATIONS FOR BCLS & CVCLS GRANTEEES

Grantees must certify in writing (i) at the commencement of the grant year that no funds will be used for any activities prohibited by the BCLS Act or BCLS or CVCLS Supreme Court Rules and (ii) quarterly during the grant year that no funds have been used for such prohibited activities.

DOCUMENTS THAT WILL BE REQUIRED FROM NEW APPLICANTS

Before you register, please review the criteria below. You are required to upload the below documents into the online grants system:

1. Certificate of professional liability and malpractice coverage or copy of cover page from your organization’s professional liability and malpractice coverage
2. Proof of 501 (c)(3) status- IRS 501(c)(3) determination letter
3. Most recent 12 months of Board minutes

4. Current by-laws and Articles of Incorporation
5. Case acceptance policies/priorities
6. Current client financial eligibility guidelines
7. If fees are charged clients, most recent fee schedule with explanation on when fees are required and when they are waived
8. Current client applicant grievance/appeal procedures, if you have one
9. Copy of your organization's non-discrimination policy
10. Last year's financial audit and 990
11. If the organization has multiple offices, list of offices and their locations
12. Current Board of Directors roster with terms of service
13. Most recent Organization budget
14. Breakdown of legal services cases closed in last calendar year by type, level of service and county of resident

GRANT APPLICATIONS MUST BE SUBMITTED ONLINE THRU WEB GRANTS

Grant applications are submitted online through the TAJF web grants online system which requires new applicants to [register](#) and if approved by TAJF, applicants will be provided a user name and password to complete the application. Organizations will only need to register once. Applicants must complete the online application, upload all required documents and submit it by the due date of **Monday April 29, 2019 at 5:00 pm.**

You can access the online grants system by going to <http://grants.tajf.org>. Find instructions on how to use WebGrants on our [website](#).

You then select the funding opportunity you would like to submit an application under one of the following:

- | | |
|-----------|--|
| 2019-2021 | Basic Civil Legal Services (BCLS) - Discretionary |
| 2019-2021 | Basic Civil Legal Services (BCLS) - Low-Income Population |
| 2019-2020 | Crime Victims Civil Legal Services (CVCLS) - Discretionary |
| 2019-2020 | Crime Victims Civil Legal Services (CVCLS) - Low-Income Population |
| 2019-2021 | Interest on Lawyers Trust Accounts (IOLTA) - Discretionary |
| 2019-2021 | Interest on Lawyers Trust Accounts (IOLTA) - Low-Income Population |

This online grant system offers convenient features such as:

- Previewing & printing application before starting & at any point before submission
- Saving work and returning to it later
- Easy editing of forms
- Copying and pasting text from word-processed documents into Web forms
- Required fields to help make sure that all necessary data was included
- Error notices if required fields are not filled out, or if incorrect information is entered (such as text in a numeric field), you will receive clear and simple feedback to the applicant about what the error is and how to fix it
- File attachments
- Convenient & informative drop-down lists and check boxes

FURTHER QUESTIONS

Questions concerning the online grants system or applications should be directed to Jeanine Lisa – jlisa@teajf.org or 1-800-252-3401. Ext. 103

Attachment I	Data Collection Handbook- Legal Problem Codes & Outcomes
Attachment II	Frequently Asked Questions
Attachment III	TAJF Service Regions -Counties Listing by Service Area
Attachment IV	2019 Income & Asset Requirements for Persons to be Eligible For Assistance with Foundation Grants
Attachment V	Sample Grant Assurances
Attachment VI	Explanation of Budget Categories

ATTACHMENT I
Texas Access to Justice Foundation
Data Collection Handbook
Updated February 15, 2017

- I. Introduction** – The Texas Access to Justice Foundation (TAJF) relies on grant applicant data to measure productivity by grantees funded by TAJF as well as create a statewide picture of legal services delivery in Texas. The goal of this document is to facilitate consistent, reliable data collection by providing definitions for many of the data categories and answering frequently asked questions.

The *seven* data items listed below are needed for the outcomes reporting process. They are recorded at case completion by the advocate responsible for the case. These are discussed in more detail in the following subsections.

- a. Legal problem code*
- b. Major reason case closed / level of service code*
- c. Outcome code*
- d. Contested (Yes/No)
- e. Number of people directly affected
- f. Dollar benefits awarded client
 - (1) Back Award
 - (2) Benefit per month going forward

a. Legal Problem Code. This is the standard "Problem Code" that programs have been using for years to report cases to TAJF on the Annual Closed Case Summary Report.

b. Major Reason Case Closed/Level of Service Code. This is the Standard "Major Reason Cases Closed Code" that programs have been using for years to report cases to TAJF on the Annual Closed Case Summary Report.

c. Outcome Code. When the case is closed, the advocate responsible for the case determines what is the single most significant outcome that was achieved, selected from a list of possibilities and associated codes developed by the TAJF Program Assessment Committee. **Some benefit categories encompass multiple benefits --*

d. Contested (Yes/No). The advocate indicates whether the case was "contested" i.e., whether it was litigated or involved contested case hearings while it was an active case of your program.

e. Number of people directly affected. At case closure the advocate determines this number based on her/his knowledge of the circumstances of the case. Each TAJF grantee will need to develop guidelines for staff members to apply in making this judgment. In most cases the "default" value will be the number of people in the client's household. However, in some cases a different figure will be more appropriate. For example, if the benefit was "Obtained a Divorce . . .," the advocate might make the judgment that only the client and her children were benefited, not the entire household.

f. Dollar benefits awarded client. Certain types of cases seek to generate monetary benefits for

the client. These include such things as child support, alimony, Social Security Disability and unemployment insurance benefits. If a "dollar benefits" type of case is successful, the advocate responsible for the case records two additional pieces of information at closure:

(1) **Back award amount.** Record any lump-sum amount that was included in a decision or negotiated settlement, e.g., an award of \$5,000 in retroactive SSI Disability benefits for which the client was found eligible.

(2) **Monthly benefit amount.** Record the dollar amount that the client will receive per month going forward. For example, if a client was awarded a child support amount of \$300 per month, you would record "\$300".

Please note: affirmative benefits only. By "dollar benefits", we mean affirmative monetary awards achieved, not debts reduced or payments avoided. Although reducing clients' liabilities is unquestionably an important benefit that legal advocates provide, it is not the subject of this data collection effort.

For guidance on estimating dollar benefits for each case, refer to "Questions and Answers about Client Outcomes Reporting"

II. Definitions

<p>Case:</p>	<p><i>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 advice, counsel and limited 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.</i></p>
<p>Legal Information: NOT REPORTABLE AS CASE</p>	<p><i>Legal information is defined as the provision of substantive information not tailored to address a person's specific legal problem. As such, it is general and does not involve applying legal judgment and does not recommend a specific course of action. For example, providing only a pamphlet or brochure is legal information and not legal assistance. The provision of legal information does not create an attorney-client relationship. Legal information alone is not legal assistance and the provision of legal information may not be reported as a Case Service Report number. However, this should be tracked and documented so as available for other non-case reports.</i></p>

TIMEKEEPING

(a) All expenditures of funds for grantee actions are, by definition, for cases, matters, or supporting activities. The allocation of all expenditures must be carried out in accordance with the Texas Uniform grant Management Standards (UGMS).

(b) Time spent by attorneys, paralegals (including any non-attorney operating as a primary handler of cases such as accredited representatives in the immigration field) must be documented by time records which record the amount of time spent on each case, matter, or supporting activity.

(1) Time records must be created contemporaneously and account for time by date and in increments not greater than one-quarter of an hour which comprise all of the efforts of the attorneys and paralegals for which compensation is paid by the grantee.

(2) Each record of time spent must contain: for a case, a unique client name or case number; for matters or supporting activities, an identification of the category of action on which the time was spent.

(c) The timekeeping system must be able to aggregate time record information on both closed and pending cases by legal problem type, funding source, client eligibility if grantees offer assistance using non TAJF funds to non-eligible TAJF clients.

(d) Grantees shall require any attorney or paralegal who works part-time for the grantee and part-time for an organization that engages in restricted activities to certify in writing that the attorney or paralegal has not engaged in restricted activity during any time for which the attorney or paralegal was compensated by the grantee or has not used grantee resources for restricted activities. The certification requirement does not apply to a de minimis action related to a restricted activity. Actions consistent with the de minimis standard are those that meet all or most of the following criteria: actions that are of little substance; require little time; are not initiated by the part-time employee; and, for the most part, are unavoidable.

TAJF funded legal aid programs may record and report the provision of legal assistance as a **case** only if:

(a) the client is financially and otherwise *eligible* to receive legal assistance under grant requirements;

(b) the client's case is within *program priorities* (or is an emergency case accepted under the program's emergency case acceptance procedures);

(c) the legal services program has actually *accepted* the client for service through its intake system or another established procedure for ensuring client eligibility;¹

(d) the *legal assistance provided* to the client meets the criteria of one of the case service reports Closure Categories utilized by funders such as the Texas Access to Justice Foundation (TAJF) or the Legal Services Corporation (LSC).

(e) the type of *legal assistance* provided to the client is not prohibited by the funding source and,

(f) the *legal problem(s)* of the client are not of a type prohibited by the funding source

¹ The point at which a case is "accepted" for service depends on the type of service provided and the process by which the program provides the service. For example, when an eligible applicant seeks advice over the telephone, "acceptance" occurs when a staff member or participating private attorney determines that the applicant qualifies for service and indicates acceptance of the case through assignment of a case number or other means of demonstrating case acceptance (e.g., a notation in the file).

USE OF AUTOMATED CASE MANAGEMENT/INFORMATION SYSTEMS

Grantees shall utilize automated case management/information systems (CMIS) and procedures that ensure that information necessary for the effective management of cases is accurately and timely recorded in a case management system. Such systems and procedures shall ensure that grantee management has:

- (a) timely access to accurate information on cases; and
- (b) the capacity to meet funding sources' reporting requirements.

To meet reporting requirements, grantees' case management/information systems and procedures shall include the ability to report cases by funding source, grant type (e.g., IOLTA, BCLS, CVCLS), pro bono component, county with zip code of client residence and client profile including the following types of populations: veterans, homeless, victims of crime, physically impaired, victims of domestic violence, persons with AID/HIV or with a terminal illness.

Grantees must also be able to record and report to TAJF on the number of applicants/clients who are TAJF eligible and apply for legal representation and if their problem falls within the services offered by grantee but due to limited resources, is provided limited or pro se assistance as opposed to full or extended representation.

Case management/information systems should also employ sufficient technological capacity to ensure cost effective and efficient management of data and workflow. Hallmarks of sufficient technological capacity include:

1. single entry of data;
2. automated reporting that eliminates onerous and time consuming manual calculation or tabulation;
3. the ability to readily review data and information from multiple perspectives; and
4. the promotion of data integrity and assistance in the identification of erroneous data.

Furthermore, grantees should keep their case management system technology sufficiently up-to-date to enable them to benefit from future technological advances.

MANAGEMENT REVIEW OF CASE SERVICE REPORTS

Grantees shall institute procedures for ensuring management review of case service information for accuracy and completeness prior to its submission to TAJF. At a minimum, such procedures shall include either a review of management reports or another method of review that ensures that cases are timely closed and are not reported more than once in the same year.

In addition, the executive director, or a designee, shall review the grantee's case service reports prior to their submission to TAJF in order to ensure that the information contained in the reports fairly represents the volume and types of Case Service Reports cases that the grantee provided during the grant year. When necessary to determine the accuracy of case service information, grantees shall have the capacity to generate a detailed listing of open and closed cases to support case service information reported to TAJF.

Definition of Legal Assistance

For case service reports purposes, legal assistance is defined as the provision of limited service or extended service on behalf of a client or clients that meets the criteria of the case service reports Closing Categories used by TAJF or LSC. Legal assistance is specific to the client's unique circumstances and involves a legal analysis that is tailored to the client's factual situation. Legal assistance involves applying legal judgment in interpreting the particular facts and in applying relevant law to the facts presented.² The provision of legal assistance creates an attorney-client relationship.

Definition of Client

For case service reports purposes, a client is defined as a person (or group) who is:

- (a) ***financially and otherwise eligible*** to receive legal assistance under the funding source rules, regulations, policies, guidelines and other applicable law, regardless of source of funding used by the program; and
- (b) ***accepted*** for legal assistance through an intake system or other established program procedure for ensuring client eligibility.

For case service reports purposes, to be eligible for and accepted for legal assistance and to be reported as a case service reports case, a **client** must meet the financial (including both income and assets) and other eligibility requirements of the funding source

Who Can Provide Legal Assistance

Legal assistance in a case must be provided by an attorney authorized to practice law in the jurisdiction where assistance is rendered or a non-attorney under the direct supervision of a licensed attorney in accordance with the rules of practice in the jurisdiction(s) where the program provides assistance (unless the jurisdiction or forum allows waiver of attorney supervision or allows legal assistance by a non-attorney under specific circumstances). A person providing assistance in a case need not have the job title of "attorney" or "paralegal", but any such individual must be authorized to provide legal assistance in accordance with applicable rules of practice and must keep time records as required by a funding source.

Alternative Forms of Service

Programs may provide alternative forms of service such as alternative dispute resolution, *pro se* clinics, workshops, legal education, kiosks, and web assistance.

- (a) However, such alternative service may not be reported as a case unless:
 - (i) the service provided qualifies as a case, as defined above
 - (ii) the service provided qualifies as legal assistance as defined above
 - (iii) the person receiving the service is a client as defined above and
 - (iv) the person providing the service is an attorney or a non-attorney under the direct supervision of a licensed attorney in accordance with the rules of practice in the jurisdiction(s) where the program provides assistance (unless the jurisdiction or

² Assistance that is not legal in nature, e.g. provision of a social service, referral for financial assistance or other assistance, is not legal assistance.

forum allows waiver of attorney supervision or allows legal assistance by a non-attorney under specific circumstances) as stated in above.

- (b) Programs may report alternative forms of service under the case service reports category that best fits the actual service provided. If the program provides legal information as opposed to legal assistance, the service provided is a matter and not a case.³
- (c) County – The county reported with the case data should be the county of residence of the client. If the client has moved since the case was started and the case reports are showing a current county address, there is no need to go back and recreate the county of residence at intake. The county of residence at any point in the case is acceptable.
- (d) Legal Representation – Service to a client that is specific to the client’s unique circumstances and involves a legal analysis that is tailored to the client’s factual situation.

Major Reason Case Closed Definitions

LIMITED SERVICE CASE CATEGORIES⁴

Counsel and Advice:	<i>A case closed as a result of the provision and receipt of legal advice to an eligible client, e.g., the review of relevant facts, exercised judgment in interpreting the particular facts presented and in applying the relevant law to the facts, and the counseling of the client on actions to take to address the problem(s).</i>
Limited Action:	<i>A case closed through limited action(s) on behalf of an eligible client that addressed the client’s legal problem that is not as complex or extended as to meet the requirements for “extensive service”. Examples include, communications by letter, telephone or other means to a third party; preparation of a simple legal document such as a routine will or power of attorney; or legal assistance to a pro se client that involves preparation of court or other legal documents.</i>

³ See also ABA Standards for the Provision of Civil Legal Aid (2006), Standard 3.6 on the Provision of Legal Information.

⁴ CSR Closure Categories A and B include cases in which a referral has been made after the legal assistance was provided. Referrals without the provision of legal assistance should be reported as Other Services under the OSR system.

EXTENDED SERVICE CASE CATEGORIES

Negotiated Settlement without litigation:	<i>A case closed through negotiation where an actual settlement was reached on behalf of a client without any court or administrative actions pending. This category should be reserved for cases in which the advocate conferred with another party so as to reach a resolution of the client’s legal problem.</i>
Negotiated Settlement with litigation:	<i>A case closed through neg. where settlement was reached while a court or administrative action was pending. This is reserved for cases in which the advocate conferred with another party to resolve client’s problem and where an appearance has been entered as counsel; not assisting a pro se client.</i>
Administrative Agency Decision:	<i>A case closed because of representation of a client in an administrative agency action that resulted in a case-dispositive decision by the administrative agency or body, after a hearing or other formal administrative process. This category does not include settlements made during the course of litigation that are then approved by the administrative agency, voluntary dismissals or the grant of a motion to withdraw as counsel.</i>
Court Decision:	<i>A case closed in which the advocate represented a client in a court proceeding that resulted in a case dispositive decision made by the court should be closed as a Court Decision. This category is divided into the following three subcategories:</i>
(a) Uncontested Court Decisions	<i>either there is no adverse party or the adverse party does not contest the case;</i>
(b) Contested Court Decisions	<i>there is an adverse party and that party contests the case;</i>
(c) Appeals	<i>Appeals to an appellate court taken from a decision of any final court or tribunal</i>
Other:	<i>A closed case that does not fit any of the preceding case closure categories. Cases which fit two or more CSR categories may not be closed in this category, but should be closed in the category which best reflect the level of service provided.</i>
Extensive Service (not resulting in Settlement or Court or Administrative Action)	<i>A case closed in which the program undertook extensive research, preparation of complex legal documents, extensive interaction with third parties on behalf of an eligible client, or extensive on-going assistance to clients who are proceeding pro se should be closed as Extensive Service. Some examples are preparation of complex advance directives, wills, contracts, real estate documents or other legal documents, or the provision of extensive transactional work. This category also includes cases closed after extensive interaction or negotiations with another party which do not result in a negotiated settlement. In addition, cases closed after litigation is initiated in which the program appears as counsel of record that do not result in a negotiated settlement, administrative agency or court decision, or in which an order of withdrawal or voluntary dismissal is entered should be closed in this category.</i>

LEGAL PROBLEM CODES

Categorize and track clients' legal problems by selecting *ONLY ONE* legal problem listed below:

CONSUMER/FINANCE

- 01 – Bankruptcy/Debtor Relief
- 02 – Collection (Including Repossession/Deficiency/Garnishment)
- 03 – Contracts/Warranties
- 04 – Collection Practices/Creditor Harassment
- 05 – Predatory Lending Practices (Not Mortgages)
- 06 – Loans/Installment Purchase (Not Collections)
- 07 – Public Utilities
- 08 – Unfair and Deceptive Sales and Practices (Not Real Property)
- 09 – Other Consumer/Finance

EDUCATION

- 11 – Reserved
- 12 – Discipline (Including Expulsion and Suspension)
- 13 – Special Education/Learning Disabilities
- 14 – Access (Including Bilingual, Residency, Testing)
- 15 – Vocational Education
- 16 – Student Financial Aid
- 19 – Other Education

EMPLOYMENT

- 21 – Employment Discrimination
- 22 – Wage Claims and other FLSA (Fair Labor Standards Act) Issues
- 23 – EITC (Earned Income Tax Credit)
- 24 – Taxes (Not EITC)
- 25 – Employee Rights
- 26 – Agricultural Worker Issues (Not Wage Claims/FLSA Issues)
- 29 – Other Employment

FAMILY

- 30 – Adoption
- 31 – Custody/Visitation
- 32 – Divorce/Separation/Annulment
- 33 – Adult Guardian/Conservatorship
- 34 – Name Change
- 35 – Parental Rights Termination
- 36 – Paternity
- 37 – Domestic Abuse
- 38 – Support
- 39 – Other Family

JUVENILE

- 41 – Delinquent
- 42 – Neglected/Abused/Dependent
- 43 – Emancipation
- 44 – Minor Guardian/Conservatorship
- 49 – Other Juvenile

HEALTH

- 51 – Medicaid
- 52 – Medicare
- 53 – Government Children’s Health Insurance Programs
- 54 – Home and Community Based Care
- 55 – Private Health Insurance
- 56 – Long Term Health Care Facilities
- 57 – State and Local Health
- 59 – Other Health

HOUSING

- 61 – Federally Subsidized Housing
- 62 – Homeownership/Real Property (Not Foreclosure)
- 63 – Private Landlord/Tenant
- 64 – Public Housing
- 65 – Mobile Homes
- 66 – Housing Discrimination
- 67 – Mortgage Foreclosures (Not Predatory Lending/Practices)
- 68 – Mortgage Predatory Lending/Practices
- 69 – Other Housing

INCOME MAINTENANCE

- 71 – TANF
- 72 – Social Security (Not SSDI)
- 73 – Food Stamps
- 74 – SSDI
- 75 – SSI
- 76 – Unemployment Compensation
- 77 – Veterans Benefits
- 78 – State and Local Income Maintenance
- 79 – Other Income Maintenance

INDIVIDUAL RIGHTS

- 81 – Immigration/Naturalization
- 82 - Criminal Record Expunction/Nondisclosures
- 83 – Mental Health
- 84 – Disability Rights
- 85 – Civil Rights
- 86 – Human Trafficking
- 89 – Other Individual Rights

MISCELLANEOUS

- 91 – Legal Assistance to Non-Profit Organization or Group (Including Incorporation/Dissolution)
- 92 – Indian/Tribal Law
- 93 – Licenses (Drivers, Occupational, and Others)
- 94 – Torts
- 95 – Wills/Estates
- 96 – Advance Directives/Powers of Attorney
- 97 – Municipal Legal Needs
- 99 – Other Miscellaneous

Legal Outcomes/Major Benefits to Be Tracked & Reported To TAJF

Categorize and track clients' legal outcomes by selecting *ONLY ONE* legal outcome listed below. The total number must correspond with the total number of legal problems and total cases closed by county.

1. Consumer/Finance	
101	Obtained federal bankruptcy protection
201	Stopped or reduced debt collection activity
202	Averted repossession
203	Avoided or reduced deficiency judgments
204	Avoided, ended or reduced garnishment or levy
205	Stopped or avoided predatory lending practices
301	Overcame unfair or illegal sales contracts or fraudulent sales practices
302	Enforced sales contracts and/or warranties
303	Obtained life insurance benefits for spouse or beneficiary of deceased person
401	Obtained or preserved credit or resolved credit reporting errors
701	Avoided or delayed utility termination, or secured utility services
702	Obtained waiver or reduction of utility arrearage (including phone)
991	Obtained advice & counsel on a Consumer/Finance matter
992	Obtained non-litigation advocacy services on a Consumer/Finance matter
993	Obtained adverse decision in a Consumer/Finance matter
999	Obtained other benefit on a Consumer/Finance matter, none of the above
2. Education	
1100	Avoided fraudulent student financial aid practices
1101	Avoided corporal punishment or delayed suspension or expulsion
1106	Avoided barriers to educational services
1103	Avoided inappropriate special education classification
1104	Obtained individualized educational program and/or appropriate services consistent with the special education law
1105	Obtained correction of school records
1191	Obtained advice & counsel on an Education matter
1192	Obtained non-litigation advocacy services on an Education matter
1193	Obtained adverse decision in an Education matter
1199	Obtained other benefit on an Education matter, none of the above
3. Employment	
2101	Overcame, or obtained redress for, job discrimination based on race, gender, disability, age, sexual orientation, national origin, immigration status, or other factors not related to job
2201	Obtained wages, back (or equal) pay or overtime due
2301	Obtained assistance in applying for EITC
2401	Obtained taxpayer advocacy assistance with Federal income taxes
2501	Enforced employee rights under state or federal law
2601	Addressed issues adversely impacting agricultural workers

2901	Avoided, or obtained redress for, wrongful discharge
2902	Delayed discharge
2904	Obtained job training
2905	Resolved on-the-job issues such as safety or grievance procedures
2906	Resolved minimum wage dispute
2907	Enforced employment contract
2908	Overcame, or obtained redress for, violation of protective statutes
2909	Asserted collective rights in employment
2991	Obtained advice & counsel on an Employment matter
2992	Obtained non-litigation advocacy services on an Employment matter
2993	Obtained adverse decision in an Employment matter
2999	Obtained other benefit on an Employment matter, none of the above
4. Family	
3001	Obtained adoption
3101	Obtained or maintained custody of children
3102	Obtained or preserved right to visitation/possession
3103	Avoided removal of children
3201	Obtained a divorce
3202	Obtained a divorce, including custody and support
3203	Obtained ex parte/temporary orders prior to client/attorney withdrawing
3204	Obtained annulment
3301	Obtained guardianship (adult)
3302	Prevented guardianship (adult)
3304	Prevented guardianship
3401	Obtained name change
3502	Avoided termination of parental rights
3503	Obtained family reunification
3601	Established paternity for child
3602	Established paternity and obtained support
3701	Obtained a divorce in a case involving domestic violence
3702	Obtained a divorce with Protective Order in a case involving domestic violence
3703	Obtained a divorce with Protective Order, including custody, support (child and/or spousal) and appropriate terms of possession in a case involving domestic violence
3704	Obtained divorce, including custody, support and appropriate terms of possession in a case involving domestic violence
3705	Obtained temporary orders prior to client/attorney withdrawing in a case involving domestic violence
3720	Obtained Protective Order from domestic violence
3721	Obtained Protective Order, Custody and Support (child and/or spousal) in a case involving domestic violence
3722	Obtained protection from elder abuse or neglect
3723	Obtained assistance with safety planning
3791	Obtained advice & counsel on a domestic violence matter

3792	Obtained non-litigation advocacy services on a domestic violence matter
3801	Obtained, preserved or increased child support
3802	Obtained modification of child support
3803	Obtained, preserved or increased spousal support
3901	Obtained foster care services
3902	Improved terms of foster care plan
3991	Obtained advice & counsel on a Family matter not involving domestic violence
3992	Obtained non-litigation advocacy services on a Family matter not involving domestic violence
3993	Obtained adverse decision in a Family matter
3999	Obtained other benefit on a Family matter, none of the above
5. Juvenile	
4301	Obtained emancipation of minor
4401	Obtained protection of rights by representing minor in guardianship or conservatorship
4991	Obtained advice and counsel on a Juvenile matter
4992	Obtained non-litigation advocacy services on a Juvenile matter
4993	Obtained adverse decision on a Juvenile matter
4999	Obtained other benefit on a Juvenile matter, none of the above
6. Health	
5101	Obtained, preserved or increased Medicaid or Medicare benefits/rights
5102	Obtained assistance with Medicaid planning
5301	Obtained, preserved or increased Children's Health Insurance Program benefits
5901	Obtained, preserved or increased individual access to health care
5902	Prevented abuse or premature discharge, or assured quality care, in nursing home or mental treatment facility
5903	Obtained discharge from nursing home or mental treatment facility
5401	Obtained preserved or increased home and/or community based care benefits
5501	Obtained, preserved or increased private health insurance benefits
5601	Obtained, preserved or increased access to long term health care facilities
5701	Obtained, preserved or increased Crime Victim's Compensation benefit
5904	Stopped, or obtained redress for, harmful medical treatment
5905	Obtained, or enforced terms of, health or disability insurance
5991	Obtained advice & counsel in a Health matter
5992	Obtained non-litigation advocacy services in a Health matter
5993	Obtained adverse decision in a Health matter
5999	Obtained other benefit on a Health matter, none of the above
7. Housing	
6101	Obtained access to Section 8 housing
6102	Obtained access to housing under applicable law
6201	Obtained assistance in homeownership
6202	Obtained clear title to property
6203	Had fraudulent mortgage rescinded
6301	Prevented eviction from private housing

6302	Delayed eviction providing time to seek alternative housing
6304	Avoided, or obtained redress for, charges by landlord
6305	Overcame denial of tenant's rights under lease
6306	Obtained repairs or otherwise enforced rights to decent, habitable housing
6307	Preserved or restored access to personal property
6401	Prevented denial of public housing tenant's rights
6402	Prevented eviction from public housing
6501	Prevented loss of /or eviction of mobile home
6601	Overcame, or obtained redress for, discrimination in obtaining or keeping housing
6701	Avoided or delayed foreclosure or other loss of home
6801	Rescinded, modified and/or avoided mortgage because of predatory lending practices
6901	Overcame, or obtained redress for, discrimination in obtaining housing
6902	Obtained assistance in development/renovation of affordable housing
6991	Obtained advice & counsel in a Housing matter
6992	Obtained non-litigation advocacy services in a Housing matter
6993	Obtained adverse decision in a Housing matter
6999	Obtained other benefit on a Housing matter, none of the above
8. Income Maintenance	
7101	Obtained, preserved or increased general public assistance or TANF benefits/ rights
7102	Overcame denial of emergency assistance by DHS
7103	Overcame illegal or unfair application of welfare work requirement
7104	Avoided wrongful placement or term of training
7201	Obtained, preserved or increased Black Lung benefits/rights
7301	Obtained, preserved or increased food stamps eligibility/right
7401	Obtained, preserved or increased SSA benefit/right
7402	Obtained, preserved or increased SSD benefit/right
7501	Obtained, preserved or increased SSI benefit/right
7601	Obtained, preserved or increased unemployment insurance benefits/rights
7701	Obtained, preserved or increased Veterans benefits/rights
7702	Obtained, preserved or increased other military benefits/rights
7801	Obtained Workmen's Compensation benefits/rights
7802	Obtained, preserved or increased Crime Victim's Compensation benefit
7902	Obtained, preserved or increased civil service retirement or disability benefits/ rights
7903	Obtained, preserved or increased railroad retirement benefits/rights
7904	Obtained identification
7991	Obtained advice & counsel in an Income Maintenance matter
7992	Obtained non-litigation advocacy services in an Income Maintenance matter
7993	Obtained adverse decision in an Income Maintenance matter
7999	Obtained other benefit on an Income Maintenance matter, none of the above

9. Immigration	
8101	Obtained relief from deportation
8102	Obtained citizenship
8103	Obtained asylum or relief under convention against torture
8104	Obtained release from INS custody
8105	Obtained adjustment of legal status
8106	Obtained employment authorization or obtained/replaced Green Card
8107	Family kept intact
8108	Obtained tort relief under civil rights claim
8109	Obtained relief or redress from constitutional violation
8110	Obtained administration relief from misconduct
8111	Undocumented minor obtained declaration as abused, neglected or abandoned
8191	Obtained advice & counsel in an Immigration matter
8192	Obtained non-litigation advocacy services in an Immigration matter
8193	Obtained adverse decision in an Immigration matter
8199	Obtained other benefit on an Immigration matter, none of the above
10. Disability	
8401	Obtained discharge from institutional setting (i.e., state schools, state hospitals, nursing homes, ICF-MRs)
8402	Secured appropriate treatment plans in institutional setting
8403	Obtained investigation of abuse or neglect in institutional setting
8404	Obtained validation of abuse or neglect in institutional setting
8405	Secured vocational rehabilitation (i.e., employment) training services
8406	Secured, maintained or advanced in employment
8407	Secured access to or maintained housing
8408	Secured access to or maintained health care
8409	Secured or maintained financial benefits or entitlements
8410	Secured an appropriate public education
8411	Secured appropriate educational services in an inclusive and integrated setting
8412	Secured transition services as part of their IEP
8413	Obtained reversal of illegal suspension/expulsion from school
8414	Secured or maintained assistive technology devices/services
8415	Secured community residential and support services
8491	Obtained advice & counsel in a Disability-Related matter
8492	Obtained non-litigation advocacy services in a Disability-Related matter
8493	Obtained an adverse decision in a Disability-Related matter
8499	Obtained other benefit related to rights of disabled persons
11. Other Individual Rights	
8601	Prevented and/or obtained relief from, the battery or cruelty, sexual assault or trafficking, or related crimes, for victims of trafficking or family
8902	Obtained or preserved rights of community residence facility resident(s)
8903	Obtained or preserved rights of other institutionalized person(s)

8904	Obtained, preserved or increased access to public facilities/accommodations
8905	Obtained a court order for the expunction of records and files relating to an arrest
8906	Obtained a court order of Nondisclosure
8907	Obtained advice & counsel on a criminal record Expunction/Nondisclosure
8908	Obtained adverse decision as to a criminal record Expunction/Nondisclosure
8991	Obtained advice & counsel in an Individual Rights matter
8992	Obtained non-litigation advocacy services in an Individual Rights matter
8993	Obtained adverse decision in an Individual Rights matter
8999	Obtained other benefit on an Individual Rights matter, none of the above
12. Miscellaneous Outcomes	
9101	Obtained incorporation
9102	Obtained dissolution of corporation
9103	Obtained tax exempt status
9104	Obtained judicial relief
9301	Overcame taking of or restriction to a driver's license
9302	Obtained occupational license
9401	Avoided or reduced tort judgment
9501	Obtained a will
9502	Settled estate
9503	Obtained a living will and/or health proxy/health care power of attorney
9504	Obtained a special needs trust
9505	Obtained a financial power of attorney
9506	Obtained assistance with estate planning / living trusts
9507	Obtained major estate planning packet, without execution
9508	Obtained major estate planning packet, with execution
9601	Obtained assistance in filing for Crime Victim's Compensation
9701	Obtained assistance with Federal income taxes
9702	Obtained assistance in filing for Earned Income Tax Credits
9799	Solved other tax problem
9903	Obtained assistance with business start/development
9999	Other Outcome - none of the above - Specify Below:

III. Data Quality Procedures

A. Grantees should have a process for ensuring the timely closing of cases.

B. Grantees should report all legal work cases closed by the organization in the calendar year, regardless of the source of funding for those cases provided it was free to the client and the client's household income did not exceed 200% poverty level as described in the TAJF Financial Eligibility Guidelines.

C. Grantee should have a case management system in place that ensures that cases involving the same client and same legal problem are not recorded and reported more than once.

What an Automated Case Management System Should Do

Programs shall utilize automated case management systems (CMS) and procedures that ensure that information necessary for the effective management of cases is accurately and timely recorded in a case management system. Such systems and procedures shall ensure that program management has:

- (a) timely access to accurate information on cases; and
- (b) the capacity to meet funding sources' reporting requirements.

To meet grant reporting requirements, programs' case management systems and procedures shall include the ability to report cases by funding source, grant type, Pro Bono component, jurisdiction (e.g., county or city), and individual office.

Case management systems should also employ sufficient technological capacity to ensure cost effective and efficient management of data and workflow. Hallmarks of sufficient technological capacity include:

- single entry of data;
- automated reporting that eliminates onerous and time consuming manual calculation or tabulation;
- the ability to readily review data and information from multiple perspectives; and
- the promotion of data integrity and assistance in the identification of erroneous data.

Furthermore, programs should keep their case management system technology sufficiently up-to-date to enable them to benefit from future technological advances.

Cases involving multiple levels of assistance – The grantee shall report only the highest level of service provided when more than one type of service is provided to a client during the same calendar year when attempting to resolve essentially the same legal problem, as demonstrated by the factual circumstances that give rise to the problem. For example, if the grantee initially serves a client at an Advice Only clinic, but then later provides Extended Representation on the same legal problem, the case should be reported only once as Extended Representation.

Cases involving repeated instances of assistance – The grantee shall report repeated instances of assistance to the client as a single case when a program provides assistance more than once within the same calendar year to an eligible client who has returned to the program with essentially the same legal problem, as demonstrated by the factual circumstances giving rise to the problem.

Cases involving related legal problems:

- a. Advice Only Cases – The presumption is that legal assistance provided on related legal issues within a brief time frame is counted as one case. However, the presumption is rebutted and two or more cases may be reported if the legal issues on which advice is given fall in to different case types, such as Family and Housing.
- b. Appeals – An appeal can be counted as a separate case.
- c. All Other Cases – Grantees shall report related legal problems of an eligible client as a single case when the program representing the client attempts to resolve the related legal problems simultaneously through the same legal process. For example, if a client seeks assistance with related child custody and support problems and the grantee assists the client by preparing a pleading or other document that addresses both problems that should be reported as a single case. However, if the

child custody and child support are addressed in different actions or in different courts, then more than one case should be reported for the client.

ATTACHMENT II FREQUENTLY ASKED QUESTIONS

Definition of Case

Question 1 – If an applicant is "eligible" under the TAJF guidelines and acceptable under program criteria but is not "accepted" (for example, because of a conflict) is it forbidden to provide that applicant with legal advice or other legal services?

Answer: Technically, under ethics rules you cannot accept a case that is a conflict. If you cannot accept a case, you cannot give legal advice. The underlying rule is simple. A program **MUST** accept a case **BEFORE** giving legal advice. If for some reason you cannot accept a case, then the program must not provide legal advice or other legal services.

Question 2 – Investigation is conducted on behalf of an eligible client, and a letter containing advice is returned as undeliverable. (a) Can the case be counted as "limited action" based on the time spent investigating, or must it be deselected if the client didn't receive documented advice or the benefit of the investigation? (b) If the client did receive documented advice, can it be counted as limited action even though contact with client has been lost?

Answer – As to question (a), if the client did not receive the advice letter, you cannot report the case to TAJF as a closed case with some level of service provided and it must be omitted, because the client did not actually receive the legal advice, even though your program did the work.

As to question (b), the case can be counted as a closed case in this scenario, because the scenario states that the client actually received the advice and contact with the client was lost after the advice was given and received. It would, however, appear that the case should be closed as A, Counsel and Advice.

Question 3 -- What is the appropriate closing code in the following scenario? A client requests that the attorney draft a will or divorce paperwork. The attorney drafts the documents but the client does not return. Legal assistance was provided prior to the attorney drafting the documents on behalf of the client. Closing code "B" since the attorney took the time and resources to draft the paperwork on the client's behalf or closing code "A" since the documents were never provided to the client.

Answer – the correct closing code is A, Counsel & Advice. While the program did the work of drafting the paperwork for the client, the client never received that service. The principle is that only services actually rendered to the client may be counted, no matter how much work a program does.

Definition of Legal Assistance

Question 1 – Crime victims (or guardian of a victim, or close relative of a deceased victim) are entitled to certain rights, including possible compensation to victims of crime and the payment for a medical examination for a victim of a sexual assault, and when requested, referral to available social service agencies that may offer additional assistance.

Our social workers provide clients (who are normally seeing an attorney for a related matter, e.g. protective order or divorce) with information regarding their right to this compensation, and further assist them with the application itself. If an application is denied or an award reduced, the social workers help clients with the appeal process and reconsideration request, as paralegals do in food stamps or Social

Security cases. All of this work is supervised by attorneys. Would this work be considered "legal assistance" or "cases"?

Answer – If there is a legal analysis provided to a client regarding their individual eligibility for benefits programs, it is a case.. If only information is provided and no analysis of their individual eligibility is conducted, the activity is not a case. If legal assistance is provided, the case should then be closed with a closing category that accurately describes the level of assistance rendered by the program.

Question 2 – The pro bono program staff send letters to applicants who have been accepted for referral to a volunteer attorney that contain advice so that we can still report the client as having received legal advice from an attorney on staff in the event that the client does not return a retainer agreement or fails to contact their volunteer attorney. (Please note that the letters and enclosures are generally prepared by a clerical employee but are reviewed by an attorney prior to being mailed.)

Does this count as advice?

Answer – The sample letters discussed in your question, though extensive and useful, are more likely legal information and not legal advice if: (1) they do not contain individualized analysis and advice about the client's particular problem; or (2) they do not contain recommendations as to that client's future course of action; and/or (3) they are not based on a review of the client's particular circumstances. Because of this lack of legal analysis applying the law to the client's unique circumstances, these letters do not meet the definition of legal assistance. If these letters do not meet the definition of legal advice, it would be best not to characterize the information in the letter as advice to avoid saying the letters are legal advice.

Question 1 -- A married couple, who jointly own real property as tenants by the entireties, seeks legal representation with a pending mortgage foreclosure hearing. The case is acceptable as the couple is TAJF-eligible. At case review meeting the case is accepted and assigned to staff attorney to represent at the upcoming foreclosure hearing.

Should one file be opened?

If two files are opened -- one in the name of husband and the other in the name of wife -- is one of these a duplicate?

Answer – Only one file should be opened. This is a situation of two clients, one case. If two files are opened, one is a duplicate and should not be reported

Question 6 -- During a clinic, some persons ask specific questions out loud regarding their specific situations. These persons are aware that when they do so that they have waived their attorney-client privilege, either through signing a document prior to the clinic, or by oral explanation. If a program records the specific advice provided to the client, even though the program never met individually with the client, can this be counted as an "A" case?

Answer – First, no case can be counted unless all eligibility information on the client has been recorded and the client is eligible. Furthermore, a grantee should not allow the provision of legal advice in an open clinic setting unless all participants in the clinic have been screened and found to be TAJF-eligible.

Assuming all the participants are eligible, the next question is whether the advice given qualifies as legal advice, rather than legal information. If there was actual legal advice given to a client (who was aware that the circumstances in which it was given involved a waiver of attorney-client privilege), it may be counted as A, Counsel and Advice, even though it was not given in private and there was no one-on-one

meeting with the client. It is, of course, much preferable that actual legal advice be delivered in a private one-on-one setting.

Immigration-Related Legal Services

Long duration of immigration cases. Only a small percentage of immigration (cases unless only consultation is provided), are "closed" in any given year. Most cases remain open until the client's underlying immigration problem -- e.g., being threatened with deportation -- is resolved, a process that often takes many years and is characterized by long waiting periods punctuated by brief episodes of legal activity -- e.g., filing an application or preparing for a hearing. Previous reporting approaches based exclusively on "Closed Cases" tended to significantly understate the volume and scope of the work of immigration legal services programs.

Reporting approach. An episode of service counts as a "completed case" when a distinct phase of an immigration process is finished.

***Example:** Filling out a Temporary Protective Status (TPS) Application. TPS was a special, temporary program that applied to a specific class of immigrants. The "matter" in this case was the client's need for legal assistance in completing an application for TPS. Completion of the TPS application process resolved the "closed case" (even though the "case" would remain open indefinitely until the client either achieved permanent residency or was deported). At this point the program would count the episode as a "completed matter" that would be included in the Completed Immigration Matters Report provided to the Foundation for that year.*

Asset Documentation Requirements

Question 1 -- Assume a program uses the asset ceiling for food stamps to determine a client's income/asset eligibility and the legal services Board has said that anyone receiving food stamps meets the asset test for eligibility. Let's say that the client is also receiving Medicaid. The income and asset ceilings for Medicaid are LESS restrictive than for food stamps, but they (the asset and income ceilings for Medicaid) are MORE restrictive than the legal services asset ceiling. In this scenario the client will still qualify and asset documentation is not required as long as the Board has authorized this standard and there's a note qualifying the eligibility. Correct?

Answer – Yes, we agree with your analysis. Even if the governmental program for the poor is not the sole source of income for the client, the grantee may use that program's asset eligibility determination to qualify a client under either of two circumstances: (1) that grantee's asset eligibility standards are more restrictive than those of the program; or (2) the grantee's Board has accepted such governmental program's asset standard as sufficient for client asset eligibility. In the second instance, the grantee must have on file Board resolution, Board minutes, or other written evidence of action by its Board stating that eligibility for this other program for the poor qualifies a client as asset-eligible.

Questions and Answers about Client Outcomes Reporting

a. Major Outcomes Achieved for Individuals

Question: *How do I count cases for which my program invested significant resources but, due to circumstances outside our control, no benefits were achieved -- for example, we got an unfavorable court decision?*

Answer: In some cases, the facts simply mitigate against "successful" outcomes, yet clients receive significant benefits that should be documented using the outcome codes. For example, in the example of

an unfavorable court decision, the client may have lost her case but got her day in court, a significant benefit of our system of justice. The applicable outcome category might be "Received representation in affirmative (or defensive) litigation."

In other cases the outcome is truly unknown and nothing much can be said about it. For example, a client may withdraw or fail to return to the program and after a period of time you decide that no further action will be taken. Here, the category labeled, "Client Withdrew or Benefit Unknown" is a perfectly acceptable choice.

It is widely understood that there will not be a "favorable" or "successful" outcome for every case. To force people to find benefits for every case would only inflate the client outcomes numbers and reduce their value as a way of describing the impact of your program.

Question: *How do I deal with a case where the client outcomes don't fit any of the categories listed on the form?*

Answer: The "Miscellaneous" category contains a choice labeled "Obtained benefit -- None of the Above," and the form includes a space for entering a brief description of the specific benefit that was obtained. This category can be used for tabulating benefits that are highly specific to the type of work your program does and are not captured by any of the other categories on the form.

Question: *What guidelines apply for counting the number of people affected by the outcome of a case? For example, in a custody case, do I count just one person, the parent who is my client? Or do I include the children as well?*

Answer: As a general guideline, use "Size of Household" as a starting point. That information is usually collected at intake for each case. That default figure should be reviewed at case closure and adjusted if circumstances changed subsequent to intake -- for example, in a custody case you would adjust if a child left the household and is not affected by the custody decision.

There will be some cases where "Size of Household" clearly does not apply and you need to use a different figure based on your best judgment. For example, the number entered for "Obtained Protection from Domestic Violence" would include everyone in the household except the member causing the violence.

Question: *In some cases, my client receives several benefits, not just one. For example, a single case might include "prevented eviction" and "preserved or restored access to personal property." Do I check more than one benefit?*

Answer: You should check only the one "major" outcome, that is, the one that, in your judgment, is of greatest value to the client. You should not check more than one outcome per case.

However, the outcome codes include a number of "multiple-benefit" codes that address common situations in which multiple, interrelated benefits are achieved for the client. For example, in the "Family" category, multiple-benefit codes include:

- Obtained a divorce with Protective Order, including custody, support and appropriate terms of possession in a case involving domestic violence;
- Obtained divorce, including custody, support and appropriate terms of possession

In situations where a single case fits one of these multiple benefit categories, the advocate should pick that category as the "major outcome" achieved in the case.

Question: *Some of my program's cases are "impact" cases, which benefit scores, or sometimes, even thousands, of people. How should I count the number of people benefited?*

Answer: The Self-Assessment Report includes a separate section for reporting on "Major Cases." In the example cases that you report in that section, you should indicate how many people were affected, wherever possible.

You might need to develop a simple form for advocates to use in keeping track of benefits produced by impact efforts. Other suggested methods for capturing this information are:

- Referring to "executive director's report" notes in minutes from board meetings;
- Keeping a file on milestones, achievements, clippings, etc. pertaining to impact efforts;
- Tying reporting on impact efforts into staff evaluation reports and/or notes on case supervision meetings.

b. Outcomes of Direct Legal Representation of Groups

Question: *Our program represents groups, as well as individuals. How do we account for these in our case statistics?*

Answer: Simply count each group case as one case. Part III of the Self-Assessment Report provides an opportunity to report on "Outcomes of Direct Legal Representation of Groups".

Question: *In the "Groups" section, the report only asks for the number of **matters** involved. Isn't the number of **people** important?*

Answer: As we gain experience in using outcomes information, measures that quantify the impacts of group representation on low-income people may emerge. Two dimensions that would appear important are the scale of the impact per individual member and the number of members in the group. In the meantime, until these measures are better defined, we ask grantees to provide narrative examples of one or two of the group cases reported in this section.

In some of these cases, numbers may help you tell a more powerful story. For example, you might report that as a result of services from your program an affordable housing coalition "Obtained assistance with transactions or negotiations" in which financing was obtained. The information that this financing amounted to \$20 million and that 500 low-income families were housed makes the story especially compelling.

c. Dollar Outcomes

Question: *When do we count a benefit -- when we obtain an order or only after the client has actually received the money? We know that in many of our cases, we may obtain orders that are only sporadically complied with or unenforceable. Are we leaving ourselves open to charges of misleading the public?*

Answer: The advocate responsible for the case should decide to count or not count a benefit based on his or her best judgment at the time of closing the case. The number will be based on the specific circumstances. If, for example, the advocate knows that the likelihood of compliance with or enforcement of an order is near zero (e.g., it is against an ex-husband who is a drug addict or it is in a jurisdiction that has no enforcement mechanism in place), then the advocate should probably not count the dollar benefit. However, if the client has a reasonable chance of collecting the money, based on the circumstances of the case, then a dollar benefit should be counted even though it has not been collected.

The Foundation acknowledges that no one can predict the future. One can only make an educated judgment based on the facts at hand and experience with the type of matter in that jurisdiction. If in doubt, err on the conservative side. Our numbers have power to the extent they are believable rather than just being big.

A General Comment About Dollar Outcomes:

Don't feel that you have to capture every dollar won by your program or cover every contingency. The occasional idiosyncratic case will not make enough difference in your annual numbers to justify agonizing over a precise dollar figure. If you can put a system in place that captures dollar benefits on the types of cases that comprise **significant parts of your caseload**, such as child support, SSI and public benefits, without imposing a major burden on advocates, then you will have accomplished a lot.

If in doubt, err on the conservative side. A few wild guesses or a bit of hyperbole can reduce the credibility of your numbers as a way of describing program impact. In addition, reporting vague numbers like "millions of dollars" is not useful in this context. Program managers should encourage staff to focus on the issue of how much impact they are having on clients, in a way that has integrity.

Question: *How do we know how much a client ultimately will receive? For example, when we win an unemployment compensation hearing, the client will only find out how much s/he will be awarded after being processed administratively. It would be very burdensome for us to have to follow up with each client to obtain that information.*

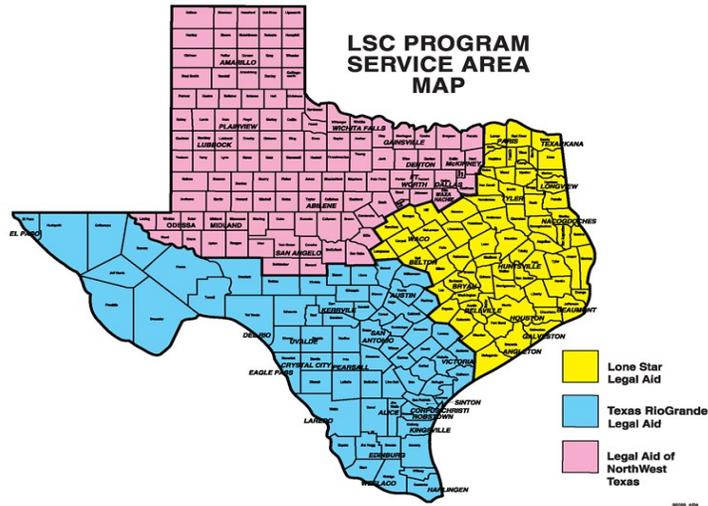
Answer: The Foundation does not expect grantees to change their normal case closure procedures – for example, to delay closing cases until cash has been delivered -- simply to achieve more certainty in our numbers. Nor do we expect you to install an accounting system to track cash actually received months or years after cases have been closed.

It may make more sense to apply average figures in cases that are of a type that represents a significant portion of the program caseload. For example, if you handle lots of unemployment cases, then you might wish to develop guidelines for advocates to use when closing an unemployment case that has been successful. The goal would be to develop a simple table listing average benefits to be counted for each successful case based on hourly pay and other relevant factors. Advocates that work in a particular substantive area like employment law might be aware of studies or other data that provide a reasonable basis for estimating dollar outcomes.

Question: *What if a client receives less than the amount s/he was entitled to? For example, say a client is owed \$5,000 in back child support payments and we negotiate a settlement of \$2,500. Do we count a \$2,500 benefit or a \$2,500 loss?*

Answer: You should count the amount actually produced for the client, in this case \$2,500. Our assumption is that you've achieved all you could. The dollar benefit must be measured against what the client would have received without your help, not what the client was "owed" or entitled to in some abstract sense.

ATTACHMENT III –TAJF Service Regions



Southwest Texas – Blue

Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crockett, Culberson, Dewitt, Dimmit, Duval, Edwards, El Paso, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lasalle, Lavaca, Live Oak, Llano, Mason, Maverick, McMullen, Medina, Nueces, Pecos, Presidio, Real, Reeves, Refugio, San Patricio, Starr, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, Zavala

Northwest Texas –Pink

Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Brown, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Cottle, Crane, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Grayson, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hood, Howard, Hunt, Hutchinson, Irion, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Potter, Randall, Reagan, Roberts, Rockwall, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Yoakum, Young

East/Gulf Coast Texas – Yellow

Anderson, Angelina, Austin, Bell, Bosque, Bowie, Brazoria, Brazos, Burleson, Camp, Cass, Chambers, Cherokee, Colorado, Coryell, Delta, Falls, Fayette, Fort Bend, Franklin, Freestone, Galveston, Gregg, Grimes, Hamilton, Hardin, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Jasper, Jefferson, Lamar, Lampasas, Lee, Leon, Liberty, Limestone, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Rains, Red River, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Waller, Washington, Wharton,

ATTACHMENT IV
2019 Income & Asset Requirements for Persons to be Eligible
for Assistance with Foundation Grants

Each year, the Texas Access to Justice Foundation (TAJF) adopts criteria relating to income, assets, and liabilities defining the indigent persons eligible to benefit from TAJF grants. Household income-eligibility guidelines are based on the Department of Health and Human Services' (DHHS) most recent federal poverty guidelines. DHHS issues these guidelines each year in the Federal Register.

These guidelines establish maximum household income levels for individuals and families eligible for assistance from TAJF-funded legal aid programs whether funded by Interest on Lawyers Trust Accounts (IOLTA), Basic Civil Legal Services (BCLS), Crime Victim Civil Legal Services (CVCLS), Legal Aid to Veterans (LAV), Legal Aid to Survivors of Sexual Assault (LASSA), Legal Aid to Homeowners and Communities (LACH) or any other TAJF grant funds. The purpose of the criteria for house income, asset, and liabilities is to determine whether an individual qualifies for legal assistance under one of the TAJF grants.

Organizations receiving any TAJF grants must use such funds to provide free civil legal services to eligible low-income persons or low-income client groups, associations, and nonprofit organizations eligible under these guidelines and the enacting [rules of the source of funds located at the tajf.org website](http://www.tajf.org). Grantees must adopt and utilize this criteria relating to income, assets, and liabilities defining the indigent persons eligible to benefit from TAJF grants.

See the *2019 Financial Income Guidelines* document for client eligibility under specific grants.

Grantees must have written asset & liabilities criteria in place for defining indigent persons eligible for TAJF-funded free civil legal services. See section on Assets Limitations below.

DEFINITIONS

1. Family: Includes only those persons related by blood or by law as relatives to the applicants for whom the applicant has a legal responsibility to support.
2. Income: Includes wages & earnings, unemployment compensation, workers' compensation, Social Security, Supplemental Security Income, public assistance, veterans' payments, survivor benefits, pension or retirement income, interest, dividends, rents, royalties, income from estates, trusts, educational assistance, alimony, child support, assistance from outside the household, and other miscellaneous sources.
 - Noncash benefits (such as food stamps and housing subsidies) do not count towards income.
 - Income considered before taxes
 - Income excludes capital gains or losses.
 - If a person lives with a family, add income of all family members. (Non-relatives, such as housemates, do not count unless they contribute regularly to help financially support the household.)
3. Liquid Assets: Assets that can readily and promptly convert to cash by the individual seeking assistance, prior to the time that the assistance is required. Only net liquid assets, after subtracting all expenses of conversion and taxes, are considered.
4. Non-Liquid Assets: All assets other than liquid assets.

5. Available Assets: Assets to which the individual seeking assistance has legal and actual access without having to obtain the consent or cooperation of another person over whom the individual does not have control and who does not, in fact, consent or cooperate

No Exceptions to Income Guidelines

TAJF income guidelines differ from those of Legal Services Corporation (LSC). TAJF does not allow for LSC-type deductions or exceptions to income which reduce household income to meet income guidelines. There are ***no*** provisions in TAJF grant guidelines permitting the reduction of household incomes below TAJF grants' maximum household income caps.

Manner of determining financial eligibility

In making financial eligibility determinations regarding individual applicants, a grantee shall make reasonable inquiries regarding sources of the applicant's income, income prospects and assets. The grantee shall record income and asset information.

In making financial eligibility determinations regarding groups seeking TAJF-supported legal assistance, a grantee shall follow the requirements set forth by the individual TAJF grant.

A grantee shall adopt simple intake forms and procedures to obtain information from applicants and groups to determine financial eligibility in a manner that promotes the development of trust between attorney and client. The forms shall be preserved by the grantee.

If there is substantial reason to doubt the accuracy of the financial eligibility information provided by an applicant or group, a grantee shall make appropriate inquiries to verify the information, in a manner consistent with the attorney-client relationship.

When one grantee has determined that a client is financially eligible for service in a particular case or matter, that grantee may request another grantee to extend legal assistance or undertake representation on behalf of that client in the same case or matter in reliance upon the initial financial eligibility determination. To transfer client's financial eligibility, the referring grantee must provide and the receiving grantee must retain a copy of the intake form documenting the initial financial eligibility of the client. In such cases, the receiving grantee is not required to review or re-determine the client's financial eligibility unless there is a change in financial eligibility status as described below or there is substantial reason to doubt the validity of the original determination.

Grantees' screening and intake procedures must be able to reasonably demonstrate that staff practice and follow procedures uniformly and consistently.

A total amount of the applicant's household income must be recorded even if it is zero. Records of TAJF client eligibility must be retained and be available for inspection in a manner consistent with attorney-client confidentiality.

To determine monthly income, divide annual income by 12. For weekly income, divide annual income by 52, or divide monthly income by 4.2. Your approach must be in writing and used consistently. Income received twice a month should be multiplied by 2 to establish monthly income. If the applicant is a seasonal employee, consideration can be based on previous year. Applicants shall be informed of their duty to report changes in their income to grantee should grantee accept their case.

If an applicant's total household income is derived solely from a government program for low-income individuals or families on a needs-based test, then the grantee may determine that the applicant is

financially eligible based on those benefits. However, the grantee must record household size, household income, and the specific identity of the government program.

Group Representation

Group legal assistance must: 1) be limited to groups with no resources for legal assistance, and 2) benefit the low-income individual or low-income community in which they reside. In representing a client group, association, or nonprofit organization, the grantee must comply with all of the other provisions of these rules and is subject to all of the prohibitions contained herein. A client group, association, or nonprofit organization is eligible to represent a group if it provides information showing that the group lacks, and has no practical means of obtaining, funds to retain private counsel and either:

- i. The group (or the organizing or operating body of a non-membership group) is primarily composed of individuals who would be financially eligible for this TAJF-funded legal assistance, or
- ii. A principal activity of the group is the delivery of services, assistance or advocacy to those persons in the community who are otherwise financially eligible for this TAJF-funded legal assistance and the legal assistance sought relates to such activity, or

Change in Financial Eligibility Status

After determining that a client is financially eligible and after accepting that client for service, the client's changed circumstances may make them ineligible for TAJF funded services. Upon learning that a client is no longer financially eligible for TAJF services, the grantee shall discontinue TAJF supported services and representation as long as: 1) the change in circumstances is sufficient, likely to continue, and enables the client to afford private legal assistance; and 2) discontinuation is consistent with applicable rules of professional responsibility.

This same rule applies when the grantee later determines the client is financially ineligible on the basis of later discovered or disclosed information.

Asset Limitations

Grantees must have an assets & liabilities policy that caps the amount of assets for eligibility determinations regarding TAJF-funded cases and clients. Grantees may select one of the below options or develop an alternative asset policy that is consistent with the intent to provide free civil legal services to indigent individuals. Staff and volunteers must adhere to the policy in determining eligibility for free civil legal services. The policy must be approved by the Board of Directors/Board of Trustees or governing body of the organization. If the legal program is a component of a larger non-legal aid institution, such as a religious organization, the chief executive officer may approve the policy. In the case of a law school clinical program or bar association pro bono grantee, another designated authorized body or individual beyond the manager/director of the legal aid program must approve policy. The asset policy regarding TAJF eligibility must be in writing and available upon request.

SAMPLE OPTION 1

In general, an individual client may have up to \$10,000 in liquid assets (plus \$5,000 for each additional qualifying family member) and \$15,000 in non-liquid assets (plus \$5,000 for each additional qualifying family member). Exempted from the asset limit are the client's principal residence, one car, personal and household goods, tools, or equipment essential to employment, trusts restricted to educational or medical purposes, interest in IRA or Keogh plans, assets not counted by public assistance programs, and burial plots or trusts.

Where a client owns property, each asset must be identified (e.g., *savings account* or *vacation villa*), and its value must be entered into the client's financial eligibility field in their case-management system or

paper application. The client’s home, household goods, one car, or checking and/or savings account whose combined value is less than \$2,000 need not be listed. If the client has no countable assets, the grantee will report “None” in the appropriate area of the financial eligibility field.

SAMPLE OPTION 2

- 1) An individual seeking assistance may not have total family assets disregarding exclusions, if in excess of the following:
 - a) Liquid assets of \$2,500 or non-liquid assets of \$20,000.
 - b) \$5,000 in liquid assets or \$40,000 in non-liquid assets if a member of the applicant’s family is elderly, handicapped, or institutionalized.

- 2) An individual seeking assistance may not have total family assets, disregarding exclusions, in excess of the following:
 - a) Liquid assets in excess of double or non-liquid assets in excess of four times the estimated cost of obtaining private legal assistance for the matter on which assistance is sought.
 - b) Liquid assets in excess of three times the estimated cost of obtaining private legal assistance for the matter on which assistance is sought, if a member of the applicant’s family is elderly, handicapped, or institutionalized, in which case non-liquid assets may be disregarded.

- 3) Exclusion: The following items are to be excluded from consideration in determining whether an individual seeking assistance has assets in excess of those permitted:
 - a) The principal residence of an individual seeking assistance, or of any member of the applicant’s family.
 - b) The reasonable equity value in work-related equipment which is essential to the employment or self-employment of an applicant or members of an applicant’s family.
 - c) Any assets which are exempted from execution by Texas or Federal Law.

2019 FINANCIAL INCOME GUIDELINES

	2019 IOLTA/BCLS⁵ Financial Eligibility Guidelines 125% of Federal Poverty Guidelines	2019 CVCLS⁶ Financial Eligibility Guidelines 187.5% of Poverty
People in Household	Annual Household Income 125% of Poverty Guideline	Annual Household Income 187.5% of Poverty Guideline
1	\$15,613	\$23,419
2	\$21,138	\$31,706
3	\$26,663	\$39,994
4	\$32,188	\$48,281
5	\$37,713	\$56,569
6	\$43,238	\$64,856
7	\$48,763	\$73,144
8	\$54,288	\$81,431
For each additional member of the household in excess of 8, add:	\$5,525	\$8,288

⁵ Interest on Lawyers Trust Account (IOLTA)/Basic Civil Legal Services (BCLS)

⁶ Crime Victim Civil Legal Services (CVCLS)

ATTACHMENT V SAMPLE GRANT ASSURANCES

1. Applicant certifies that it is currently a 501(c)(3) nonprofit corporation and will restrict the use of TAJF funds to law-related activities or purposes that are charitable or educational within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954, and will not use TAJF grant funds for any prohibited purposes.

2. Applicant will:

- (a) at all times honor the attorney-client privilege and will uphold the integrity of the adversary process.
- (b) not impose restrictions unrelated to statutes and rules of professional conduct on attorneys who provide representations to indigent clients with funds provided in whole or in part by the Court. All funds allocated by the Court will be expended exclusively to support the provision of legal services without charge to low-income persons.
- (c) expend all funds allocated by the Foundation exclusively to support services in the county or counties for which the monies were allocated.
- (d) comply with quality control review procedures adopted by the Foundation.
- (e) comply with fiscal management and control procedures (Standards for Financial Management Systems and Audits as stated in the General Grant Provisions manual) adopted by the Foundation.
- (f) permit site visits and present additional information when deemed reasonably necessary to determine compliance with the Rules.

3. Applicant will restrict the use of TAJF funds to permissible activities and legal services to permissible eligible low-income clients in accordance with the specific TAJF fund requirements². Applicant also understands and agrees that TAJF clients must be income eligible according to TAJF-funded income guidelines. Applicant acknowledges review of the restrictions and income guidelines for TAJF funds and will strictly comply with proper documentation for adequate screening of intake with applicants to ensure eligibility.

4. Applicant will not discriminate on the basis of race, creed, religion, marital status, color, national origin, gender, sexual orientation, 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 services, participation in, or the benefits or proceeds of the program or projects supported in whole or part by TAJF funds.

5. 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 that may be modified based on agreement between the pro bono attorney and client.

6. Applicant acknowledges that it is responsible for compliance with TAJF grant requirements including rules of the court and specific grant manual provisions that can be located on TAJF's website. Applicant

must read and be familiar with the applicable general grant provision manual(s) prior to receipt of any TAJF's funds. Applicant further understands that annual audited financial statements and or audits, dependent upon specific TAJF funds received, along with 990s, must be submitted to TAJF timely. Applicant also acknowledges that BCLS and CVCLS funds have additional audit requirements that must be complied with. Applicant's auditor must read, understand, and apply the Act, Rules, General Grant Provisions, including the allowable costs provisions as stated in Attachment B of the Uniform Grant Management Standards (except for the capital expenditure threshold, see General Grant Provision 4.03), Grant Agreement, and any other Foundation policy in determining compliance.

7. Applicant understands and agrees that, by submitting this application, the applicant has no assurances of being funded and, should funds be awarded, TAJF may, in its sole discretion, grant funds in greater or lesser amounts and/or for greater or lesser periods of time than requested in this application.

8. Applicant understands and agrees that the application, once received by TAJF, becomes the property of TAJF.

9. Applicant will promptly notify TAJF of any organizational, programmatic, or budget changes when information in its grant application is no longer correct, or that would render the organization ineligible for a TAJF grant.

10. TexasLawHelp Participation Certification – Applicants understand that they must be listed in the TexasLawHelp directory of legal services. See www.TexasLawHelp.org. Applicant further agrees to provide a link to TexasLawHelp on their own website that will be displayed prominently. Applicant further agrees that if funded for the upcoming grant cycle, applicant will collaborate and contribute material to one or more substantive law folders on TexasLawHelp and consult and cooperate with Texas Legal Services Center, the site's sponsor, as to what content and materials are needed from applicant.

11. If funded, applicant will submit timely quarterly expenditure reports and any required programmatic, statistical, or progress reports as requested.

RESTRICTIONS

Interest on Lawyers Trust Account (IOLTA) funds may not be used:

- (a) to directly fund class action lawsuits.
- (b) 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.
- (c) to support lobbying for a candidate or issue.
- (d) 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).

Basic Civil Legal Services (BCLS) funds may not be used:

- (a) to directly or indirectly support a class action lawsuit.
- (b) to directly or indirectly support a lawsuit against a governmental entity, except by groups or individuals to gain benefits authorized by statute or regulation, political party, or candidate (SEE BELOW SUITS AGAINST GOVERNMENT).
- (c) to directly or indirectly support lobbying for or against a candidate or issue.
- (d) to directly or indirectly support abortion litigation.

- (e) to directly represent an individual who is confined to jail or prison.
- (f) 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.
- (g) 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).

A BCLS grantee awarded attorney's fees shall send the attorney's fees to TAJF who will forward funds to the Comptroller if any attorney representing a client involved in the case, was paid in that case directly 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.

Applicant understands that if awarded with BCLS funds, they must submit to TAJF annually and quarterly a certification that all BCLS requirements are being complied with and that funds are not being used for prohibited activities. If applicant seeks to apply for BCLS funds, applicant must read the BCLS Texas Supreme Court Order and specifically Rule 9.7.

Crime Victims Civil Legal Services (CVCLS) funds may not be used:

- (a) to support class actions.
- (b) to directly support a lawsuit against a governmental entity, except by groups or individuals to gain benefits authorized by statute or regulation, political party, or candidate (SEE BELOW SUITS AGAINST GOVERNMENT).
- (c) to directly support lobbying for or against a candidate or issue.
- (d) 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).

Funds granted under the CVCLS Program shall be used only to provide victim-related civil legal services directly to indigent victims or indigent immediate family members of indigent victims. Applicants that are awarded CVCLS funds agree that it will complete an "Intake Screening for Victim- Related Civil Legal Services Form" supplied by the Office of Attorney General for each client funded in part or whole with CVCLS funds.

Applicant agrees that a copy of all intake screening forms and supporting documentation for each client shall be maintained by the grantee in the CVCLS client file and in one or more central locations as determined by the grantee and shall be made available to TAJF.

Other TAJF Funds:

TAJF often administers and or disburses other funds not identified above but may have the same or similar restrictions or requirements or different or additional ones. Applicant understands that it is their responsibility to become familiar and adhere to any such requirements imposed by TAJF as to the particular funds they may be awarded.

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 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 requests for attorney fees from another but not the client, 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.

I have read these assurances and the application that accompanies them 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 and funds are awarded.

Executive Director

Print Name

Date

Board Chair

Print Name

Date

ATTACHMENT V
Explanation of Budget Categories

1. Definition of Line Item Expenditure Categories

Lawyers:	<i>This category should include all salaries and wages paid to program attorneys, whether employed directly or supervised by the program, and whether full-time, part-time, or temporary.</i>
Paralegals:	<i>This category should include salaries and wages paid to program paralegals (non-attorney case handlers), whether employed directly or supervised by the program, and whether full-time, part-time, or temporary. Paralegals are persons whose duties consist primarily of assisting in the legal work of clients and litigation support but can also include in client intake and outreach & education activities.</i>
Other Staff:	<i>This category should include salaries and wages paid to all other program staff, whether employed directly or supervised by the program, whether administrative/clerical staff, students, or others, and whether full-time, part-time or temporary.</i>
Employee Benefits:	<i>This category should include the typical fringe benefits paid on behalf of employees, such as retirement, FICA, health and life insurance, worker's compensation, unemployment insurance, and other payroll-related costs.</i>
Space:	<i>This category includes rent, debt service, utility payments, maintenance and janitorial expenses.</i>
Equipment Rental:	<i>This category includes lease or rental expenses for office furniture, fixtures, and equipment (except telephone). It also includes maintenance costs for that equipment whether pursuant to a service contract or individual repair bills.</i>
Supplies:	<i>This category includes all basic office accessories and supplies, including material used in copiers. Printing and postage are included in this category. All equipment purchases under \$100 may be placed under this line item.</i>
Telephone:	<i>This category includes rental of telephone equipment and local and long distance calls and service. Similar and related expenses such as fax or other telecommunications should be included as well.</i>
Travel:	<i>This category includes travel expenses directly related to specific client matters, circuit riding, administration of the program, etc. While most travel expenses will be local or intra-state, interstate travel may also be included here.</i>
Library:	<i>This category includes expenses for the maintenance of office libraries, including subscriptions to periodicals, books, reference materials, and multiple volume sets of law books. Additions to the library holdings over \$100 should be included under "Capital</i>
Insurance:	<i>This category includes professional liability insurance, bonding, property insurance (fire and theft), and liability insurance for property and automobiles</i>
Audit:	<i>This category includes expenses for auditors. Outside bookkeeping and accounting services should be reported in "Contract services."</i>
Litigation:	<i>This category includes court costs, witness fees, expert witness expenses, sheriff fees, copying fees, and other expenses incurred but not recovered in litigation on behalf of eligible clients.</i>

Capital additions:	<i>This category includes equipment and library purchases over \$100 per item and other major expenses which occur infrequently (e.g. major renovation). However, provide a separate footnote for any purchase in excess of \$500.</i>
Other:	<i>This category includes all program expenses not included above. Specify each cost included in "Other."</i>

2. Definition of "Program/ Direct" and "Administrative/ indirect" costs

Program Direct Costs:	<i>This category consists of expenditures that are identified specifically with the direct delivery of civil legal services. Program Costs are typically direct costs. Typical Program Costs include the following:</i>
(1)	<i>Compensation of attorneys, paralegals, law clerks, law students and direct support staff for time and effort devoted specifically to the provision of basic civil legal services.</i>
(2)	<i>Cost of materials acquired, consumed or expended specifically for the purposes of the grant.</i>
(3)	<i>Equipment and other approved capital acquisitions necessary to accomplish the purposes of the Grant.</i>
(4)	<i>All other items of expense incurred specifically to carry out the purposes of the Grant.</i>
Administrative Indirect Costs:	<i>This category consists of costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved. An example might be audit, library, equipment rental, telephone, occupancy unless a specific TAJF fund were funding all staff 100% utilizing all the space.</i>