

MEMORANDUM

TO: Currently funded TAJF Grantees

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

SUBJECT: Grant Administration Helpful Summary

DATE: January 2022

This memorandum is not a substitute for all grantees obligations to be familiar with and adhere to all grant provisions in their grant agreement(s), related TAJF policy or rule, Supreme Court of Texas Court Enacting Order or any other related requirements that govern any particular grant program. This memorandum will briefly cover the following items:

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Grant Fund Acronyms

IOLTA	Interest on Lawyers' Trust Accounts
BCLS	Basic Civil Legal Services
CVCLS	Crime Victim Civil Legal Services
LASSA	Legal Aid for Survivors of Sexual Assault
LAV	Legal Aid for Veterans
LAV II	Legal Aid for Veterans – Extended Services

GENERAL GRANTS PROVISIONS (GGP) FOR GRANTS ADMINISTRATION

There are general grant provisions (GGP) manuals for each grant program covering grant requirements and most grant administration topics. Knowledge of and compliance with the GGP that governing your grant(s) is required. The GGP manuals are posted on TAJF's website. Grant programs other than IOLTA, BCLS and CVCLS should refer to the manual governing [Special Grant Funds General Grant Provisions 2019](#).

While the manuals are similar in many respects, they do contain key differences. For example, the BCLS and CVCLS manuals have audit requirements and a "Compliance Supplement," which differ from and are additional to provisions in other manuals. Additionally, the manuals reference Texas' [Uniform Grant Management Standards](#) regarding allowable costs, inventory, purchase of property, and required documentation for personnel expenses. You are required to be knowledgeable and in compliance with these provisions as well. The following are examples of these provisions regarding Attorney's Fees and Damage Claims pertaining to certain grants but there are many more restrictions, limitations and requirements that each grantee is responsible for.

Funding of Certain Suits and Activities Not Permitted

No IOLTA, BCLS and CVCLS funds shall be used to directly fund class action suits, lawsuits against governmental entities, or lobbying for or against any candidate or issue. Provided, however, that funds may be granted to finance suits against governmental entities on behalf of individuals in order 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.

No BCLS funds may be used for the representation of an individual who is confined to a local, state, or federal jail or prison. A person is considered to be confined to a jail or prison if that person is so confined as a result of a determination of criminal responsibility by a court of competent jurisdiction or is being held under suspicion of a crime. No BCLS funds may 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.

Attorney's Fees

Funds granted by the Foundation to organizations to provide legal services to the indigent in civil matters may not be used for any case or matter that, if undertaken on behalf of an indigent person by an attorney in private practice, might reasonably be expected to result in payment of a fee for legal services from an award to a client from public funds, or from the opposing party.

Any cases accepted using TAJF funds that 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 must have documentation in the client file clearly evidencing:

- the person seeking legal assistance made reasonable efforts to obtain legal services from an attorney in private practice for the particular legal 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
- was 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.

Attorney's fees awarded to a grantee as a result of BCLS-funded legal services must be sent to TAJF within seven days following receipt of the fees. Remit the amount of the attorney's fees to TAJF by check made payable to the Supreme Court of Texas.

Damage Claims

Claims for actual or punitive damages against a government entity **may not** be brought using CVCLS or BCLS-related funds including sexual assault and legal aid to veteran funds.

In addition to the GGP manuals, each funds program is governed by a separate [court order](#), which are posted to our website. CVCLS has an interagency cooperation contract between the Office of Attorney General and the Supreme Court of Texas. Again, be knowledgeable and in compliance with all of governing documents for each of your grant funds.

REVIEW & UPDATE YOUR ORGANIZATION PROFILE IN THE ONLINE WEBGRANTS SYSTEM

All grantees must log into [WebGrants](#) to review, update, and make current your organization's profile in the WebGrants system. This includes making sure that all information including, but not limited to, the registered users, bank information, and contact information is *up to date*. **Because funds are disbursed by direct deposit, failure to update the requisite information could delay the receipt of a disbursement.**

FINANCIAL ELIGIBILITY GUIDELINES

TAJF posts financial income eligibility [guidelines and requirements](#) in **January or early February each year**. The guidelines establish maximum income levels for individuals and families eligible

for legal assistance from TAJF-funded legal aid programs and are based on the U.S. Department of Health and Human Services (HHS) [poverty guidelines](#). HHS updates their federal poverty guidelines annually in January. IOLTA & BCLS guidelines are based on 125% of the federal poverty level; CVCLS guidelines are based on 187½%; and, LASSA & LAV guidelines are based on 200%. If you are not certain of the income level for your grants, please refer to your award letter and grant agreement.

CLIENT ELIGIBILITY

Grantees are required to conduct adequate screening and eligibility determinations on all TAJF-funded clients and cases to assure that TAJF funds only support TAJF-eligible clients. Grantees should document all client eligibility information and secure this data should any questions or disputes arise regarding the status of client eligibility. In determining client income eligibility, each grantee should also (1) maintain a maximum asset policy, and (2) separately provide a clear definition for “household.” Additionally, **ALL** “CVCLS-funded” client files **MUST** have a completed “CVCLS Intake Screening form” developed by the Office of Attorney General.

ANNUAL SELF-ASSESSMENT REPORTS (SAR)

TAJF grantees will provide programmatic and financial reports for the calendar year through [WebGrants](#). Your annual **Self-Assessment Report (SAR)** is due by **January 31st** of the calendar year following the reporting year, unless you received an extension from TAJF. Each year you should collect and track all required data in order to timely submit the report. *Do not simply copy and paste from a previous year without reviewing carefully and making appropriate edits and updates.*

Note: Case and client statistical information requested in the **Case Service Report (CSR)** sections related to cases closed by county, client profile – ethnicity and age, client profile - gender, and individuals by profile category should only include those cases and clients who:

- (1) have been screened and determined to be eligible using TAJF or Legal Services Corporation income guidelines,
- (2) were provided free civil legal services,
- (3) and the client/applicant made no payment to the grantee.

[The above-reference disqualifying payment includes appointment or consultation administrative fees. It does not include court costs such as filing fees, service for process, and other litigation costs for which clients may be responsible.]

The reported closed cases should meet all requirements set out above and below, and should comport with the definition of a case.

The CSR portion of the SAR is designed to capture all cases closed on behalf of an income-eligible client regardless of the funding source. These numbers should include all cases closed by staff, pro bono private attorneys, and compensated (reduced fee) private attorneys. **Do not include assisted pro se or provision of legal information in the CSR portion.** There is a self-help section for reporting pro se data.

Verify to make sure the numbers in number of total legal cases closed under “**Direct Civil Legal Representation of Low-Income People, 1. Number of Total Legal Cases Closed**”; “**TAJF Closed Cases**”; “**Case Service Report (CSR)**,” and “**Cases Closed by County**” sections reconcile with one another.

In the section “**Financial Report - Expenditures for Legal Services**,” if your program has other functions such as law school, bar association, domestic violence shelter for example, include only those expenditures related to the offering of free civil legal services component of your program.

In the section titled “**Sources of Funding for Legal Services Activities (Revenue)**,” if a bar association runs a fundraising campaign to help support your program, include the revenue received in the category “Private Bar.” If your program actually runs the fundraising event, (even if a bar association supports it), include this revenue in the category “Fundraising.” If you are reporting for a law school, only include the actual revenue received to support the free civil legal aid program component. Do not include revenues used to support clinical legal work other than civil legal aid, such as criminal clinics or transactional clinics.

Accurately Reporting Case Statistics & Avoiding Duplicate Information

TAJF requests case statistical data in the SAR that shows, among other things, client profiles, outcomes, and closed cases by type, level of service, and county. All questions should be answered completely and data must be accurate to ensure accuracy of reporting by TAJF to the Texas Supreme Court, Texas Legislature, State Bar, donors, and the public. There are sections containing statistics that should reconcile with other correlating sections. It is imperative that the information provided is accurate, reliable, and verifiable. Carefully review your statistics prior to submission. If there are any significant variances from case numbers, expenditures, revenues, or dollar outcomes reported from the previous year, you should explain in the narrative section the reasons for those variances.

Legal Services versus Legal Information

There is a difference between providing legal services and providing legal information. For client work to be reported as case representation and case closure, there must have been an attorney-client relationship established, and legal advice provided. Legal information is often in the form of assisted pro se programs and tools, know your rights presentation, etc. TAJF’s definitions for each are below.

Case:	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.
Legal Information:	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 classified as 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 CSR number. You may report it under the self-represented assistance section.

Duplicate Cases

Collaborative work among grantees through a sub-grant agreement, co-sponsoring clinics, or other projects is encouraged. However, remember that partnering grantees must insure cases *are not* reported twice. Only one partner is permitted to report the cases, whether as open or closed. Jointly decide on the front end who will report cases to TAJF. This does not preclude the non-reporting partner(s) from referencing the cases in the appropriate narrative section.

Quarterly Financial Expenditure Reports & Programmatic Reports

Grantees must submit actual quarterly financial expenditures for each grant, as well as any required programmatic reports and approved carryover funds from the previous grant cycle. You can find quarterly expenditures worksheet on our [website](#) and specific information within your award letter and grant agreement. You must timely submit a quarterly financial report for each grant showing **actual expenditures on a cash basis regardless of your accounting method.**

Expenses are only reported when cash is paid out. **You must have back up source documentation for all expenses (see GGP manual). Do not include expenditures from other grants or funds.** Submit reports online no later than deadlines.

Do not report expenses incurred under a TAJF grant that is in excess of the amount of funds you have received at that point. Example, if you have only received seven months of funding (2 installments of 4 months + 3 months), you cannot report in the second quarter that you have spent an amount exceeding seven months of grant funds. The report is capturing the spending of the particular grant and not the entire cost of the program or project during the reporting period.

CVCLS Grant Programmatic Reporting

For grantees that have a CVCLS grant, there is an additional form for CVCLS grants online that includes programmatic and financial statistics, and must be fully completed and submitted along with the above referenced quarterly financial expenditure report. Be concise and do not provide long lists. Please give summaries and provide number of instances or referrals. The Foundation has to report this information to the Office of Attorney General, so we must review and filter the reports to provide an executive summary. What you report is subject to any audit review.

BCLS, CVCLS, LASSA & BCLS Veterans Certifications

These funds require submission of annual and quarterly signed certifications. You completed the annual certification when you signed your grant agreement. You will submit the quarterly certifications along with your quarterly financial reports. While you can review the [template](#) on our website, the actual submission must be done online through WebGrants at the time you submit your quarterly report.

Grant Releases

Grant funds are released according to the schedule in your award letter. Grants \$5,000 or less are normally released in on lump sum payment.

The untimely receipt of quarterly financial expenditure reports as well as large variances in spending could also factor a delay in release of funding. BCLS & CVCLS funds could vary depending upon their release by the Court who then sends a request to the State for release. If for some reason the funds are not going to be available, we will notify you as soon as possible. All grant awards are contingent upon the availability of funds from TAJF. TAJF administers BCLS (BCLS Veteran, BCLS Priority Area), LASSA and CVCLS funds, but does not possess at any times said funds. TAJF relies on the Court and Comptroller for information and cooperation for timely information about the availability of said funds and their release to grantees. Grantees understand that TAJF is not responsible or liable for any losses, claims or damages, special or consequential losses or damages, loss of anticipated revenue, recoveries or collections, or any other financial or economic loss caused from non-payment of an award, or any portion thereof.

Budget Revisions

During the grant year, you should closely monitor grant expenditures and may have reason to consider submitting a budget revision request. You must comply with the Article VI concerning budget variances. Please refer to GGP Manual and the budget revision form found on our website.

Grantees shall not materially deviate from the Approved Budget without first obtaining the prior written consent from TAJF. A material deviation will be deemed to have occurred in the event of

the following: anticipated or actual expenses of Grant Funds that ***(1) are materially greater or less than that set forth in the Approved Budget, whether in total or by individual line item; (2) materially alter the ratio of Program to Administrative Costs; (3) involve a disposition of property acquired with Grant Funds or (4) no budget line item has been approved by the Foundation.***

A material deviation will occur if it meets either of the following tests:

- A. The individual deviation is in excess of \$1,000 and the lesser of \$10,000 or 10% of the Grant during the Grant Period.
- B. The accumulated total of all budget deviations since the beginning of the Grant Period exceeds the lesser of \$10,000 or 10% of the Grant for that Grant Period.

In the event you anticipate a material budget deviation, the Grantee shall request a revision of its approved budget via email to TAJF. The request must fully delineate the reasons for it, why it is necessary, and its effect on the Grantee. TAJF may request additional information. You must submit a request to revise your budget in advance of implementing any modified budget. BUDGET REVISIONS ARE NOT APPROVED UNLESS YOU ARE NOTIFIED BY TAJF IN WRITING. It is the grantee's responsibility to follow up with TAJF on the status of any revision request.

Carryover Reporting

If you received approval to carry over funds from the previous year's grant, you must provide quarterly reports on these funds, which must be fully spent by a date set by TAJF. Any unspent funds must be returned.

Requests to Carry Over Projected Unspent Funds

If you project unspent grant funds towards the end of a grant cycle, you should request permission to carry over unspent funds past the grant duration. Carryover requests equaling 10% or less of the total grant amount may be decided by staff however, amounts in excess of 10% of the grant amount require Board approval. Failure to submit timely requests will prevent board consideration and may be a factor in any decision. To be considered for carryover, grantees must submit a written explanation as to why funds may not be spent during the grant period. If approved, grantees may carry over up to, but not more than 25% of total grant amount. If you request an excess of 10%, your explanation should include extraordinary circumstances that occurred resulting in the failure to spend the grant in allotted time.

Review GGP and be sure to submit requests to carry over funds in a timely manner. TAJF will notify grantees if your particular grant allows for carryover. The due date for submission of any request will be dependent upon your particular grant and grant period.

Audit

All grantees must submit a financial audit to TAJF by the 1st day of the 5th month after the end of your fiscal year. This is a requirement of the Supreme Court of Texas on grants TAJF is administering on their behalf so TAJF has NO authority to grant extensions. Upload the document to your organization's profile within WebGrants and include the year in the file name. Grantee's annual fiscal audit for BCLS & CVCLS grantees **must include a supplemental schedule of TAJF grant revenues and expenditures under each grant compared with the approved budget**. Grantee agrees to provide any independent auditor a copy of the BCLS/CVCLS **Grant Compliance Supplement** provided at the end of the GGP Manual found on our website and specifically: "SECTION II: SUGGESTED AUDITING PROCEDURES". Failure to submit timely financial audits will be considered in any new grant applications and could lead up to sanction and even termination of the grant.

IRS Form 990

Grantees must provide the Foundation with a completed copy of their Form 990 filed with the IRS. Submit your Form 990 to the Foundation on or before the 15th day of the 5th month after the end of your fiscal year. Notify us of any extension you have with the IRS prior to your due date.

Advocates are Subscribe to Statewide Legal Aid Listserv

Pursuant to your grant agreement, all grantee advocates are to join the statewide listserv. There are three ways people can join the LS Texas listserv.

- (1) Join the group website: http://groups.yahoo.com/group/LS_TEXAS/
 - Click **Join This Group** in the upper-right corner of the group's page.
 - Enter Yahoo! ID. If you do not have one, you can register by clicking **Sign Up** at the top of the page.
- (2) Join via email: LS_Texas-subscribe@yahoogroups.com
- (3) Email Kevin Dietz at KDietz@tlsc.org or other designated individual with Texas Legal Services Center who can send an invitation directly to allow people to join.

TAJF Grant Team

Grantees' TAJF funded grant programs have been assigned specific grant team members as their program officer. If you have any questions or do not know your program officer, it is listed on the first page of your grant in WebGrants. See the grant team members below:

Jonathan Vickery- Associate Director & Director of Grants - jvickery@teajf.org, ext. 110

Lisa Melton- Special Project Manager/Senior Program Officer - ldmelton@teajf.org, ext. 330

Isaac Harrington - Program Officer - iharrington@teajf.org, ext. 106

Vacant - Grants Administrative Assistant –

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Sharing information and helping to connect all the public interest advocates in Texas is important and to help increase those communication lines, please consider becoming friends on our Facebook page.

Supporting TexasLawHelp

Each TAJF grantee is required to support TexasLawHelp.org, the statewide legal services to the poor website through content contribution and listing it on your programs website. Per your grant agreement, you need to make sure you are listed in the statewide directory on Texaslawhelp, and make sure that you have an updated contact person listed with Texaslawhelp and that your program makes a contribution through some volunteer efforts. Please contact Texas Legal Services Center to verify your information and to follow up your contribution.

Thank you for all that you do for access to justice!