

**MEMORANDUM**

**TO:** Currently funded TAJF Grantees

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

**SUBJECT:** Grant Administration Helpful Summary

**DATE:** May 2023

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This memorandum serves as an overview of grant administration by and for the Texas Access to Justice Foundation (TAJF). This memorandum is not a substitute for all obligations with which grantees should be familiar. Grantees should fulfill and comply with 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 the particular funded grant program.

This memorandum will briefly cover the following items:

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- [Support TexasLawHelp.org](#)

## 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
ODU	Opioid Use Disorder Basic Civil Legal Services
POLL	Parenting Order Legal Line
PRH	Parenting Resource Helpline

### GENERAL GRANTS PROVISIONS (GGP) MANUALS AND GOVERNING DOCUMENTS FOR GRANTS ADMINISTRATION

Read your grant agreement and the General Grants Provisions (GGP) Manual for each TAJF grant (they can be different from grant to grant) and share with staff responsible for administering the grant and grant-funded staff performing grant-related services. In addition to the GGP manuals, each fund's program is governed by a separate [court order](#), which are posted to the TAJF website. Lastly, a grant program may have an interagency agreement governing the use of the awarded funds. For example, CVCLS has an interagency cooperation contract between the Office of Attorney General and the Supreme Court of Texas. Because grantees must comply with all provisions in governing documents relating to awarded grant funds, it is important to be knowledgeable of the specific grant agreement, GGP, court order, or any other governing document related to your grant funds.

There are GGP manuals for each grant program covering grant requirements and most grant administration topics. **Knowledge of and compliance with the GGP that govern your grant(s) is required and mandatory.** The GGP manuals **are posted on TAJF's website.** To find them click on the "Grants" tab, choose "Applications" in the pull-down menu, and scroll down, Grant programs other than IOLTA, BCLS and CVCLS should refer to the manual governing Special Grant Funds General Grant Provisions.

Much of the information in this memorandum can be found in greater detail in the grant's GGP manual.

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 found in other manuals. Additionally, the manuals reference [Texas' Grant Management Standards](#) (TxGMS [formerly Uniform Grant Management Standards]) regarding allowable costs, inventory, purchase of property, and required documentation for personnel expenses. Grantees are required to be knowledgeable of 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 TAJF 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
- 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 [LASSA] and legal aid to veteran funds). The same may be true for certain out-of-cycle or special grant funds, so it is important that grantees familiar themselves with all governing documents for their 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 31<sup>st</sup>** 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. *[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**”; “**Case Service Report (CSR)**,” and “**Cases Closed by County**” sections reconcile with one another.

In the section “**Financial Report - Expenditures for Legal Services**,” if the delivery of free civil legal services to the poor is not the primary purpose of your organization, but rather only a component of its broader mission (such as law school, bar association, domestic violence shelter), include only those expenditures of the program related to the offering of free civil legal services.

In the section “**Sources of Funding for Legal Services Activities (Revenue)**,” if the delivery of free civil legal services to the poor is not the primary purpose of your organization, but rather only a component of its broader mission (such as law school, bar association, domestic violence shelter), include only the funding sources to the offering of free civil legal services. Only include the actual revenue received to support the free civil legal aid program component, e.g. in a clinic setting, do not include revenues used to support criminal clinics or transactional clinics. Additionally, 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.”

### *Accurately Reporting Case Statistics & Avoiding Duplicate Information*

TAJF requests case statistical data in the annual 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 (Cases) versus Legal Information*

For purposes of the SAR, there is an important distinction between legal services and legal information. Legal services qualify as cases and legal information does not. For client work to be reported as a case in the SAR, an attorney-client relationship must be established and legal advice provided. On the other hand, legal information is often in the form of assisted pro se programs and tools, know your rights presentations, etc. TAJF's definitions for each are below.

**Case (Legal Service):**

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 ensure cases ***are not*** reported more than once. Only one partner is permitted to report the case 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.

### **FINANCIAL EXPENDITURE REPORTS & PROGRAMMATIC REPORTS**

Grantees must submit actual financial expenditure reports for each grant, as well as any required programmatic reports and approved carryover funds from the previous grant cycle. While most grant awards require quarterly reports, a few do require monthly reporting. You can find the quarterly expenditures worksheet on the TAJF [website](#) and specific information within your award letter and grant agreement. You must timely submit a financial expenditure 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 the assigned deadlines or as requested.

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. You only can report expenditures that were made during the reporting period.

### **APPROVED BUDGETS**

Spending any TAJF grant funds must be expended in a manner consistent with your approved budget. TAJF funds spent outside of an approved funds may be disallowed as permissible costs and be refunded to TAJF. Make sure that you understand the difference between [“Program” \(sometimes referred to as direct\) costs and “Administrative” \(sometimes referred as indirect\) costs.](#)

### **CVCLS GRANT PROGRAMMATIC REPORTING**

When awarded a CVCLS grant, you must read and comply with the “Agreement Between the Office of Attorney General and The Supreme Court of Texas” on the [TAJF website](#). While TAJF administers the grant on behalf of the Supreme Court, CVCLS awardees are subrecipients and must comply with the agreement in all regards. For CVCLS awardees, there are additional programmatic and financial statistics forms online that must be fully completed and submitted

along with the above referenced quarterly financial expenditure report. Be concise and do not provide long lists of clinics and collaborations. Please give summaries and provide number of instances or referrals. TAJF reports this information to the Office of Attorney General and reviews and filters the reports to provide an executive summary. Grantee reports are subject to any audit review.

CVCLS grantees are required to complete an Office of Attorney General mandated “Intake Screening for Victim-Related Civil Legal Services” for each client assisted with CVCLS funds. This document may not be manipulated and must be retained in a centralized location that can be provided if requested (Exhibit A of the Agreement found on the TAJF website).

### **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**

Most of TAJF ‘s grant funds are disbursed as advances and are released according to the schedule in your award letter. Grants in the amount of \$5,000 or less are normally released in one lump sum payment.

The untimely receipt of quarterly financial expenditure reports as well as large variances in spending could cause delays in the release of funding. BCLS and CVCLS funds could vary depending upon their release by the Court who then sends a request to the Office of Attorney General 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 LAV, 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.

### *Reimbursement Grants*

If your grant is a **reimbursement grant**, you will be required to submit monthly invoices for your permissible allowed costs and expenses. You will also **be required to** complete regularly scheduled programmatic reports.



## **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 Article VI of the GGP Manual concerning budget variances. Budget revision forms can be found on the TAJF 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 TAJF.**

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.

## **REQUESTS TO CARRY OVER PROJECTED UNSPENT FUNDS (CARRYOVER)**

If you project unspent grant funds by the end of a grant period, you may consider submitting a request for permission to carry over the anticipated unspent funds for a short period past end of the grant cycle. Carryover requests equaling 10% or less of the total grant amount may be decided by staff; however, amounts in excess of 10% and up to 25% of the total grant amount require TAJF Board approval. To be considered for carryover, grantees must submit a timely request with a written explanation as to why funds may not be fully spent during the grant period. If you request an excess of 10% of the grant award, your explanation should include extraordinary circumstances that occurred resulting in the failure to spend the grant in the allotted time. Failure to submit timely requests will prevent board consideration and may be a factor in any decision. Carryover requests are typically due in the month of June near the end of a grant cycle.

Review the grant's GGP manual and be sure to submit requests to carry over funds in a timely manner. TAJF will notify grantees about which grants allow for carryover. The due date for submission of any request will be dependent upon your particular grant and grant period. **CVCLS grants may not be carried over.**

## **CARRYOVER REPORTING**

If you received approval to carry over grant funds, 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.

## **AUDIT**

Grantees must submit a financial audit to TAJF by the 1<sup>st</sup> day of the 5<sup>th</sup> month after the end of the grantee's fiscal year. Because this is a requirement of the Supreme Court of Texas on grants TAJF administers on their behalf, 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. For BCLS and CVCLS grantees, the annual fiscal audit **must also include a supplemental schedule of TAJF grant revenues and expenditures under each grant compared with the approved final amended budget** (See Section II: Suggested Auditing Procedures of Appendix A Compliance Supplement of the GGP). Additionally, grantees receiving BCLS or CVCLS funds agree to provide any independent auditor a copy of the grant program's Compliance Supplement; specifically, the "Section II: Suggested Auditing Procedures" portion found in Appendix A of the BCLS and CVCLS GGP Manuals. 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 current grant.

## **IRS FORM 990**

Grantees must provide TAJF with a completed copy of their Form 990 filed with the IRS. Submit your Form 990 to TAJF on or before the 15<sup>th</sup> day of the 5<sup>th</sup> month after the end of the grantee's fiscal year. Notify TAJF of any extension you have with the IRS prior to the due date.

## **ADVOCATES ARE TO SUBSCRIBE TO THE STATEWIDE LEGAL AID LISTSERV**

Pursuant to your grant agreement, all grantee advocates are to join the statewide listserv. You may request membership by filling out the form at: [https://TLSC.formstack.com/forms/lis\\_texas](https://TLSC.formstack.com/forms/lis_texas).

## **SUPPORTING TEXASLAWHELP**

Each TAJF grantee is required to support [TexasLawHelp.org](https://TexasLawHelp.org), the statewide legal services to the poor website through content contribution and listing it on your program's website. Per your grant agreement, you need to make sure you are listed in the statewide directory on TexasLawHelp, make sure that you have an updated contact person listed with TexasLawHelp, and make sure your program makes a contribution through some volunteer efforts. Please contact Martha Beard-Duncan (mbeard@tlsc.org) at Texas Legal Services Center to verify your information and to follow up your contribution.

## **FOLLOW TAJF ON FACEBOOK**

Sharing information and helping to connect all the public interest advocates in Texas is important and to help increase those communication lines, please consider following [TAJF](#) on [Facebook](#).

## **TAJF GRANTS TEAM**

Grantees' TAJF funded grant programs have been assigned specific grant team members as their program officer. You can find the program officer assigned to a specific grant by clicking on the grant and going to the initial page or to "General Information" in Grant Components. See the grant team members below:

**Jonathan Vickery - Associate Director & Director of Grants - [jvickery@teajf.org](mailto:jvickery@teajf.org), ext. 110**

**Lisa Melton - Special Project Manager/Senior Program Officer - [ldmelton@teajf.org](mailto:ldmelton@teajf.org), ext. 112**

**Dana Nelson - Program Officer - [dnelson@teajf.org](mailto:dnelson@teajf.org), ext. 107**

**Isaac Harrington - Program Officer - [iharrington@teajf.org](mailto:iharrington@teajf.org), ext. 106**

**Becca Hall - Grants Administrative Assistant - [bhall@teajf.org](mailto:bhall@teajf.org), ext. 103**

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