

LEGAL SERVICES ADVISORY COMMITTEE

Operational Guidelines

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Section 1. Grant Programs for Legal Services for Low-Income Minnesotans

I. Definitions

- A. "Eligible Client" as referenced in Minn.Stat. § 480.24, subd. 2 shall mean individuals and households whose annual income may not exceed 200% of the official Federal Poverty Guidelines published annually by the Department of Health and Human Services.
- B. "Legal Services," with respect to alternative dispute resolution, do not require that attorneys be involved in the dispute resolution process or that the program also provide other "legal services."
- C. "Funds" shall mean money: (1) appropriated by the Legislature pursuant to Minn.Stat. § 480.242 ("statutory funds"); (2) interest collected on IOLTA accounts pursuant to Minnesota Rule of Professional Conduct 1.15 ("IOLTA funds"); and (3) revenue from the attorney registration fee designated to LSAC for civil legal services ("Attorney Registration Fee funds").
- D. "Consumers of legal services" shall mean consumers of legal services who would be "eligible clients."
- E. The word "qualified" before alternative dispute resolution is redundant and refers to the fact that the program must be a "qualified legal services program" which is a defined term.
- F. The terms "programs which organize the private bar to perform services" and "programs for qualified alternative dispute resolution" are only illustrative and not the only types of eligible programs.

II. Committee interpretations of the statutory requirements of Minn.Stat. § 480.242.

A. All of the statutory funds, including those for alternative dispute resolution, must go to qualified legal service programs that provide legal services to eligible clients. This means that every program must be:

- a nonprofit corporation;
- governed by a board of directors composed of attorneys-at-law and consumers of legal services;
- providing or proposing to provide legal services;

- for eligible clients. For family farm legal assistance, client eligibility is determined by the specific family farm legal assistance eligibility statutory criteria.

- B. In reviewing grants seeking funds pursuant to Minn. Stat. § 480.242, subd. 2(b), LSAC will ensure that the 15% discretionary funds support programs that do not receive the 85% funds. However, exceptions to this general rule for affiliates or other organizations related to or in partnership or joint venture with an 85% program can be made to meet important legal needs that cannot otherwise be met. Some considerations may include:
- (i) Is the applicant's program meeting a documented need for legal services and does the program provide services that go beyond what the 85% programs provide and cannot be met by other applicants?
 - (ii) Is the applicant's program offering the service throughout the state or in a part of the state that is historically underserved?
 - (iii) Can the applicant program provide clear and separate accounting for the program utilizing a grant from the 15% funds?

If it is determined that the grant application meets these criteria, it will be considered for funding along with other applications seeking funding under Minn. Stat. § 480.242, subd. 2(b).

III. Committee Interpretations of the Eligibility Requirements for IOLTA and Attorney Registration Fee Funds

- A. Because the IOLTA and Attorney Registration Fee funds are deemed to be separate under the jurisdiction of LSAC, they are not subject to the statutory distribution formula specified by Minn. Stat. § 480.242, subd 2 for legislative appropriations. The restrictions on recipients provided for in Guidelines II. B. above therefore do not apply to distribution of IOLTA funds.
- B. The purpose of the IOLTA program is to enhance the availability of legal services for the poor and to support programs of law related education for the public and programs for the enhancement of the administration of justice. IOLTA funds will be distributed to programs that meet this criteria.
- C. The purpose of the Attorney Registration Fee funds designated to LSAC are for civil legal services and grant program purposes. Attorney Registration Fee funds will be distributed to programs that meet this criteria.
- D. IOLTA and Attorney Registration Fee funds will be distributed under the same grant application process as used for the 15% monies distributed under Minn. Stat. § 480.242, subd. 2(b). Staff will ensure that the terms of this operational guideline document are followed when accounting for the distribution of funds.

Section 2. Other Grant Programs as Designated by the Court

- I. Pro Hac Vice Funding

Pro hac vice funding was established to fill a gap for statewide access to justice projects for Minnesotans regardless of income. Applicants for pro hac vice funding can include civil legal aid, courts, law libraries or bar association programs. LSAC shall create a grant application to administer the funds on a quarterly basis.

II. Lawyer Assistance Program

The Court has designated that LSAC staff shall administer grant funding from the Lawyer Assistance Program portion of the attorney registration fee. This is not a competitive grant process, but subject to periodic Request for Proposals. Funding requests from Lawyers Concerned for Lawyers (the designated recipient of the funding at this time) are reviewed by the Court on biennial basis along with other attorney registration fee funded programs, such as the Office of Lawyers Professional Responsibility and the Office of Continuing Legal Education.

Section 3. Committee Procedures

- I. LSAC will follow the Outgoing Grants Management Procedures described in Finance Policy 204 (b) of the State Court Administrator.
- II. If approved by the Supreme Court, client eligible members may be compensated at the rate of \$50 per day for each day spent in the discharge of LSAC duties, but in no event shall this payment exceed \$300 per month.