

STATE VICTIM CLINIC PROPOSAL SOLICITATION

A Project Funded by the National Crime Victim Law Institute Through a Grant from the Office for Victims of Crime

I. INTRODUCTION

The National Crime Victim Law Institute (NCVLI), through a cooperative agreement with the U.S. Department of Justice Office for Victims of Crime (OVC), is soliciting proposals for establishing crime victim legal clinics whose purpose is to provide direct legal services to victims of felony and violent crimes in criminal court. The NCVLI/OVC State/Federal Demonstration Project is designed to result in models of promising practices for implementation of future crime victim law clinics. Over the five years of the Project, the experiences of NCVLI, OVC, the one (1) federal and nine (9) state clinics will provide a road map or blueprint for others to follow.

In 2003, NCVLI funded its first clinic and in 2004 five additional subgrants were awarded. In 2005 one federal and three additional state clinics will be awarded funding. NOTE: Proposals from states which already have a crime victim legal clinic--Arizona, California, Missouri, Maryland, New Mexico and South Carolina--will not be accepted. First year funding for each site will be \$50,000. Funding for two additional years will depend on the availability of federal funds to NCVLI and on the ability of the individual sites to successfully complete year one activities. Anticipated funding in years two and three is \$100,000 and \$75,000, respectively.

II. BACKGROUND

New Directions from the Field: Victims' Rights and Services for the 21st Century (1998, Office for Victims of Crime, U.S. Department of Justice) documents the progress in establishing state and federal victims' rights over a 20-year period. The report indicated that although

tremendous strides have been made to enact victims' rights laws and deliver services to victims in the United States, serious deficiencies remain in the Nation's victims' rights laws and their implementation. The rights of crime victims vary significantly among states and at the federal level. Frequently, victims' rights laws are ignored. Even in states that have enacted constitutional rights for victims, implementation is often arbitrary and based on the individual practices and preferences of criminal justice officials.

The vigorous enforcement of fundamental victims' rights in the criminal justice system is a priority for OVC and NCVLI.

For more information on NCVLI, go to www.ncvli.org
For more information on OVC, go to www.ojp.usdoj.gov/ovc

III. PROJECT STRATEGY

With OVC funding, NCVLI seeks to establish a network of nine (9) state and one (1) federal crime victim clinics, which will work collaboratively to define successful strategies for legal representation of crime victims, education of the legal profession, and clinic duplication. This solicitation invites applicants to plan and implement a three-year clinic program to provide direct legal assistance to crime victims in criminal trial and appellate courts. At the end of three years, the clinics are expected to be fully funded by other sources.

The goals of the project are threefold.

- To provide pro bono legal representation to victims of felony and violent crime, to ensure that crime victims can assert and enforce their constitutional and statutory rights in the criminal justice system. To accomplish this, clinics will represent crime victims in criminal court proceedings at the trial and appellate levels.
- To educate criminal justice system participants about crime victims' rights, thereby furthering enforcement of those rights. To accomplish this, clinics will educate and train law students, attorneys, the local bar, and others in their region. By including students and pro bono attorneys in clinic operations, a clinic will be able to leverage subgrant funds to maximize the number of crime victims served.
- To identify promising practices that can be duplicated. To accomplish this, clinics will be required to track, report on, and thoroughly evaluate all aspects of the project throughout the life of the project.

Ultimately, duplication of clinic models, sustainability of funded clinics, and direct benefit to crime victims, extend the life and multiply the gains of the Demonstration Project.

IV. SELECTION CRITERIA

There are four (4) broad categories of criteria that will be used in grading the proposals. These categories are: (A) substantive (B) qualifications and abilities (C) funding and (D) miscellaneous.

A. SUBSTANTIVE - 40 POINTS

Important Factors: existence and scope of state constitutional amendment, statutes, and court rules providing rights and protections to crime victims, and the enforceability of these rights and protections in criminal trial and appellate courts.

All states have enacted state constitutional amendments and/or statutes establishing crime victims' rights. The nature of these rights differs from jurisdiction to jurisdiction. Due to the language of the amendments, statutes,

and state court decisions, some states do not have enforceable crime victims' rights. The work of a clinic cannot go forward without well-developed, enforceable rights. Therefore, priority will be given to those applicants in states with well-developed rights that are also enforceable in criminal trial and appellate courts by the crime victim or the crime victim's attorney.

B. QUALIFICATIONS AND ABILITIES - 25 POINTS

Important Factors: feasibility and content of Project strategy, key personnel, qualification of organization/entity applying for the subgrant, evidence of applicant ability to plan and execute long-range program implementation, access to law students, access to pro bono attorneys, ability of applicant to collaborate with other service organizations.

1. The Project strategy must demonstrate efficient and effective methods for achieving Project goals and objectives. Timing of activities, personnel assigned to achieve results, and measurement of outcomes must be outlined clearly. The strategy must clearly demonstrate how the Project will further the three goals of the State/Federal Demonstration Project.
2. The person identified as director of each clinic is crucial to the success of the project. This person must bring commitment, experience with crime victims' rights, experience with criminal procedure, and the management skills necessary to supervise and support pro bono attorneys and law students. A strong interpersonal skill set is also necessary, as is the ability to work as part of a team within the network of crime victim clinics and in cooperation with NCVLI. NCVLI must approve the selection for director prior to the individual being hired for or assigned to the position.
3. The organization or entity must possess sufficient organizational capacity to support the successful implementation of this clinic. The organization must have experience and expertise in the practice of crime victim law, experience in collaborating with other organizations to achieve shared goals, experience in planning, evaluating and executing long range program implementation, and infrastructure sufficient to support and administer this subgrant. Proposals must address each of these areas.
4. A clinic must be based out of a law school, a stand-alone nonprofit organization, or a nonprofit organization affiliated with another nonprofit. Applications must include a clear description of the applicant's management structure and previous experience with similar or related efforts.
5. Use of law students helps achieve the education component of the subgrant; success of the crime victims' rights movement will depend on current and

future lawyers being exposed to and trained in crime victims' rights law. These students can assist the director/pro bono attorneys and/or represent crime victims under student appearance rules. Proposals should address the applicant's ability to identify, work with, and train law students, including discussing whether law schools will give class credit or pro bono credit to students, what type of training material might be used with law students, what relationship might be established with a law school. Applicants should keep in mind that NCVLI can assist with training students.

6. A network of pro bono attorneys will be critical to providing additional legal support, including legal research, brief writing, and court appearances. Proposals should address the applicant's ability to identify, work with, and train pro bono attorneys. Applicants should keep in mind that NCVLI can assist with training attorneys.

C. FUNDING - 25 POINTS

Important Factors: budgeted use of subgrant funds, sustainability post-subgrant funding.

1. Applicant's budget must show an efficient use of these subgrant funds. Applicants are encouraged to use the Budget Detail Worksheet Form to provide budgets and budget narratives. Priority will be given to applicants whose budgets dedicate the largest portion of funds to direct programmatic activities. Subgrant funds are to be used to enforce crime victim laws in the criminal justice system.
2. For this project to be sustainable, applicants must locate separate funding streams to begin during the third year or before. Priority will be given to applicants that demonstrate an ability to secure post-subgrant funding.
3. The application should contain letters of support from state VOCA grant administrators, law schools, and other public or private sources. Letters of support should specify the contribution the supporting organization or individual is willing to make towards the clinic project.

D. MISCELLANEOUS - 10 POINTS

Important Factors: criminal justice system, support for crime victims' rights, support of other crime victim organizations, and other intangibles.

1. The familiarity with and the support of crime victims' rights in the criminal justice system will make the clinic's efforts more effective and efficient. Priority will be given to applicants with a strong crime victim advocate

network in the community that will provide client referrals as well as assist in nonlegal matters in support of the project.

2. Unique factors about the applicant organization, collaboration partners, community or other circumstances should be addressed in this section.

V. APPLICATION FORMAT

A. ITEMS TO SUBMIT

1. PROJECT ABSTRACT

Each application must include a project abstract that highlights the purposes, goals, methods, target group, proposed activities and anticipated benefits/products of the proposed project. The abstract should not exceed one side of one double-spaced, 8½ x 11-inch page.

2. PROJECT NARRATIVE

The Project Narrative may not exceed 20 pages and must be submitted on one side only of 8½ x 11-inch paper using double spacing, a minimum of 1-inch margins on all four sides, and a type no smaller than standard 12-point Times New Roman font. Single-spaced and 1½-spaced narratives will not be accepted. Applications that do not substantially conform to these requirements will not be reviewed. The 20-page narrative limit does not include forms, the abstract, or the appendices.

The Project Narrative must describe how the applicant meets the selection criteria listed in SELECTION CRITERIA, above. A detailed discussion of the important factors listed under each main category is required. If an important factor is not applicable, or not met, such notation should be made.

The Narrative must also specifically include the following items in the sequence listed below.

- a. Problem to be Addressed. The problem statement must discuss the specific need for the project in the applicant's state and region and how the project will meet the goals stated in III. PROJECT STRATEGY above. The goals of the Project Strategy are to:

- (1) Provide pro bono legal representation to victims of felonies and violent crime in asserting and enforcing their constitutional and statutory rights in the trial and appellate courts of the state's

criminal justice system.

(2) Educate and train law students and attorneys.

(3) Identify promising practices that can be duplicated.

- b. Project Strategy/Design. When addressing QUALIFICATIONS AND ABILITIES, applicant must provide the following detail regarding the Project Strategy. Include a description of project phases, tasks, activities, and clear descriptions of services to be provided and who is to provide those services. Clearly state how the applicant will start up the clinic, educate the local elements of the criminal justice system, recruit law students and attorneys, and practice law in the criminal courts. The project design will also be examined to determine how well the clinic can be accessed by diverse and under-served victims. This description must include the designation of organizational responsibility and a time schedule for the completion of the activities and submission of any finished products.

Applicants are not expected to provide a detailed strategy for subsequent years of the project in their application, but should provide an outline of a plan for carrying out the continuation phases of the project.

- c. Time-task Plan. The applicant must provide, in chart form, a time-task plan that clearly identifies objectives, major activities and products, tasks, and the time line for accomplishing each. In preparing the time-task plan, applicants should make certain that all project activities will occur within the proposed project period. The time-task plan must include submission of written progress reports. All recipients are required to submit monthly reports to assist with program management as well in-depth progress reports every quarter. The time-task plan presented in chart form will not be counted in the 20-page narrative limitation.

- d. Evaluation Methods. The applicant must identify procedures for evaluating the services the clinic provides, the products it produces, and the clinic's value to the crime victim community.

(1) Evaluation is critical to ensuring that each clinic and the Demonstration Project as a whole are operating as designed, achieving objectives on time, meeting goals, and realizing the overall mission. The application must include an evaluation plan designed to assess the project's performance. The plan must include goals, related objectives, related activities, and

related performance measures.

a) Quantitative measures (focusing on the extent to which the project is operating as intended) may include: number of crime victims who receive direct legal representation services; number of crime victims who receive referral for other services; number of law students/attorneys trained; number of hours provided by pro bono students/attorneys; cost effectiveness of the program and services, such as cost per crime victim for services provided by the clinic; number of pleadings filed with and accepted by trial and appellate courts.

b) Qualitative and outcome measures (focusing on the extent to which there is a change as a result of the project) may include the following: new capacities or improved responses to crime victims; knowledge gained; user satisfaction data; new policies and protocols for serving crime victims in the community; impact on the crime victims' well being; and other measures of the program's benefit to the field of crime victims' rights.

e. Current State Law. The applicant must identify the state's crime victims' rights laws and analyze the ability of a crime victim, or the crime victim's attorney, to enforce those rights. To do this the applicant should:

- (1) Provide a list of crime victim rights found in constitutional amendments, statutes, court rules, rules of evidence, or case law. Applicants should broadly interpret the term "crime victim rights" so as not to ignore rights not specifically labeled "crime victim rights." Include in the list citation to law referenced and, for all significant sources of law; include a copy in the appendices to the application.
- (2) Provide a list of statutes, court rules, or case law that touches on the ability of crime victims or a crime victim's attorneys to have standing or participate in criminal trial court, appellate court, or otherwise enforce victims' rights. Include in the list citation to the law referenced and, for all significant sources of law, include a copy in the appendices to the application. Be sure to include in the list any laws that explicitly or implicitly grant standing or remedies to crime victims, or which provide explicit procedures for crime victims to follow when seeking to enforce rights. Also include laws that explicitly or implicitly deny standing, remedies, or procedures. Importantly, the

applicant should feel free to include examples of enforcement, from cases, anecdotes, or other sources, that address a crime victim's or crime victim's attorneys ability to enforce rights in criminal courts.

- (3) An analysis of (1) and (2) above with an emphasis on the analysis of a crime victim's ability to go into criminal courts to enforce of his or her rights.

3. PROGRAM BUDGET

The applicant will enter Year 1 budgeted items and their costs on a budget detail worksheet with a thorough justification for all costs, including the basis for computing the costs. The budget must be complete, reasonable, and directly related to the activities proposed in the application. The budget should take into consideration the unique aspects of this project including things such as service and filing fees, malpractice insurance, client contact costs, etc. The Budget Detail Worksheet is located in the Forms Appendix of the application kit. Applicants must justify the costs of individual items, such as personnel and travel, showing how the costs were computed. In addition, applications containing contracts must include detailed budgets for each organization's proposed expenditures.

Applicants must budget for a case management software system, and budgets must also include costs for Director to attend the Annual NCVLI Law and Litigation Conference. Expenses are estimated to be \$1,800 for a case management system and \$530 for Conference attendance. (Conference attendance expenses include registration fees of \$150, two nights lodging at \$110, two days per diem and transportation at \$70. Airfare need not be included, as NCLVI will host and pay for an annual Clinic Cluster meeting just prior to the Conference.)

A budget narrative that justifies all costs must also be included, explaining why the costs are vital and clearly relating the items to identified tasks described in the narrative. Applicants should not include items that are not fully necessary to the project, such as a computer used only for developing small, printed brochures. Applicants must show cost effective and efficient use of subgrant resources, demonstrating that all subgrant-related expenses are necessary for project completion. Tasks and activities described in the narrative should parallel the budget. All identified costs should accurately reflect the tasks, staff time, supplies and (if applicable) travel necessary to accomplish the subgrant-related work. Applicants are not expected to provide a detailed budget for subsequent years of the project, but should provide a budget summary for those years.

4. FORMS

NCVLI requires that applications for the state victim clinic program include the following forms. These forms are available through hyperlinks from the title below to the appropriate federal form.

Application for Federal Assistance (SF 424) Form

This cover sheet form is required for all applications for federal funding. Instructions for completing the form are included.

Assurances Form

This form must be signed by all applicants to assure and certify compliance with all federal statutes, regulations, policies, guidelines and requirements.

Budget Detail Worksheet Form

The Budget Detail Worksheet may be used as a guide to assist applicants in the preparation of the budget and budget narrative. Although this form is preferred, applicants may submit the budget and budget narrative using this form or in the format of their choice.

Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters

Forms must be signed by recipients of federal grants or cooperative agreements to indicate compliance with regulations concerning lobbying, a drug-free workplace and other matters.

Civil Rights Information Form

Form required for all applicants or grantees to provide information about the person who ensures all civil rights requirements are met.

Disclosure Form to Report Lobbying

Form must be signed by all grantees to disclose information concerning lobbying activities.

Accounting System and Financial Capability Questionnaire Form

Form for new grantees who have not received funds from the Office for Justice Programs in the past.

5. APPENDICES

Appendices include, but are not limited to, program budget, individual resumes, organizational resumes, and letters of support.

V. SELECTION PROCEDURE

The NCVLI staff will review applications for completeness and responsiveness to the solicitation. Responsive applications will be reviewed for content, using the selection criteria described above, by NCVLI staff and experts in the field of crime victim law. Final selection will be based upon the review findings and geographical diversity, in consultation with OVC. NOTE: Proposals from states which already have a crime victim legal clinic--Arizona, California, Missouri, Maryland, New Mexico and South Carolina--will not be accepted.

VI. HOW TO APPLY:

COMPLETE APPLICATIONS INCLUDE THE FOLLOWING:

- Project Abstract
- Project Narrative
- Copies of Relevant Statutes, Rules and Cases
- Individual Resumes
- Organizational Resumes
- Letters of Support
- Time-task Plan Chart
- Budget Detail Worksheet
- The six (6) above-listed forms and required accompanying documentation

COMPLETED APPLICATIONS ARE DUE BY 5PM (PDT) ON OCTOBER 15, 2004. PLEASE SEND THE UNBOUND ORIGINAL AND 8 COPIES TO THE ADDRESS BELOW AND SEND 1 ELECTRONIC VERSION TO freilich@lclark.edu :

Barbara L. Brady, LCSW
Program Manager
National Crime Victim Law Institute
at Lewis & Clark Law School
0858 SW Palatine Hill Road
Portland, Oregon 97219

VIII. GRANT AWARD NOTIFICATION

NCVLI anticipates making the award announcements by April 2005. The selected sites will enter into a contract with NCVLI delineating the conditions of the award.

If you are planning to apply for this grant, you are invited to participate in a **BIDDERS CONFERENCE CALL - September 15, 2004 - 12:00 pm to 1:00 pm (PST)** Chaired by NCVLI in Portland, Oregon. Instructions will be posted with the RFP 2004 on NCVLI webpage at www.ncvli.org.