



ALLIANCE
DEFENDING
FREEDOM

GRANTS & FUNDING GUIDELINES

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GRANTS & FUNDING MISSION STATEMENT

Enable global allies via sustainable levels of financial support to effectively engage in strategic legal advocacy while maintaining support for Christians to live out their faith.

Duty Acknowledged and Gratitude Expressed

The ability of Alliance Defending Freedom (ADF) to fund grants comes from the voluntary, very often sacrificial gifts of our ministry friends. It is of utmost importance to ADF that its grant applicants take seriously our stewardship duty to God and to those friends.

It is recognized and understood by all parties that funding provided through the ministry of the ADF for attorney efforts is far below the average market rates for attorneys practicing in this highly specialized area, or perhaps in any intense specialty, and is not meant to set a “fair rate” or to attempt in any way to compete with the market. The purpose of the basic funding is toward the goal to enable hundreds, perhaps thousands of legal matters to proceed forward with sufficient funding to enable excellent legal advocacy concerning matters in the public interest related to religious liberty, sanctity of life, and protecting marriage and family to further the goals and purposes of the ministry of the ADF as established by its founders and Board of Directors. IT IS UNDERSTOOD BY ALL THAT ANY APPLICATIONS FOR ATTORNEYS’ FEES, OR OTHER COMPENSATION EARNED BY ATTORNEYS, WILL ALMOST ALWAYS BE FOR FAR GREATER HOURLY OR OTHER COMPENSATION RATES THAN THIS NOT-FOR-PROFIT LEGAL MINISTRY COULD EVER PROVIDE.

It is further recognized and understood that ADF may, at its discretion and subject to client consent, join any funded matter as co-counsel. Should ADF elect to become co-counsel, the attorney applicant shall enable ADF to discuss the potential co-counsel relationship directly with the client and the attorney applicant in a manner consistent with the attorney applicant’s ethical obligations to the client.

ADF is very grateful to the many attorneys across the world who have courageously engaged to serve their clients sacrificially, ably, and well. These attorneys have provided their services on a pro bono public basis for either the reduced RATES and FEES Alliance Defending Freedom is able to provide through grants, which is far below market value, and/or for no fee at all.

**ALLIANCE DEFENDING FREEDOM
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TABLE OF CONTENTS**

I. QUALIFICATIONS FOR FUNDING.....	6
A. DIRECT LEGAL ADVOCACY MATTERS THAT QUALIFY FOR FUNDING (ADVERSARIAL PROCEEDINGS WITH A TRIER OF FACT).....	6
1. When funding is requested on behalf of a party to litigation or direct legal advocacy as part of a formal adversarial proceeding.....	6
2. When funding is requested to submit an amicus brief	8
3. When funding is requested to intervene as a party to pending litigation	10
4. When funding is requested on an emergency basis	11
B. INDIRECT LEGAL ADVOCACY MATTERS THAT QUALIFY FOR FUNDING (LEGAL PROJECTS/SCHOLARLY WRITING/POLICY ANALYSIS).....	11
1. Projects Related to Direct Advocacy	11
2. Projects Related to Indirect Advocacy	12
3. Legislative Work or Public Policy Advocacy before a Governing Body	12
4. Moot Courts	13
5. Amicus Coordination Projects	14
6. Consultation with Attorneys General, Others	15
C. SCHOLARLY WRITINGS THAT QUALIFY FOR FUNDING.....	15
1. Scholarly Writing in General	15
2. Schedule and Structure.....	15
II. PROCESS FOR FUNDING APPROVAL.....	16
A. REVIEW PROCESSES	16
1. Grant Review Cycle in General	16
2. Executive Grant Review Process	17

3.	Direct Review Process	17
B.	INITIAL FUNDING REQUEST	17
C.	TABLED APPLICATIONS.....	21
D.	SUPPLEMENTAL FUNDING REQUEST	22
E.	PETITIONS TO ALLIANCE DEFENDING FREEDOM.....	22
F.	CONFIDENTIALITY.....	23
G.	EUROPEAN GENERAL DATA PROTECTION REGULATION (GDPR).....	23
H.	ATTORNEY-CLIENT RELATIONSHIP	23
I.	COMMUNITY BENEFIT AND ECONOMIC FEASIBILITY	24
III.	PROCESS FOR PAYMENT OF FUNDS	24
A.	GENERAL REQUIREMENTS FOR PAYMENT OF FUNDS	24
1.	General Requirements	24
2.	Moral Responsibility.....	25
3.	Sole Discretion of Alliance Defending Freedom	25
4.	Acceptance Equals Acknowledgement	25
5.	Set Rate for Reimbursement of Time	26
B.	PAYMENT OF FUNDS FOR MATTERS OF DIRECT LEGAL ADVOCACY	26
1.	Representing Parties to an Adversarial Process	26
2.	Amicus Briefs	27
C.	PAYMENT OF FUNDS FOR INDIRECT LEGAL ADVOCACY MATTERS.....	27
1.	Funding of Projects	27
2.	Exception for Legislative / Public Advocacy Work.....	28
D.	SCHOLARLY WRITING.....	28
1.	General Requirements	28
2.	Payment Schedule:	28

E. MAINTENANCE OF FUNDING ACCOUNTS WITHOUT ACTIVITY IN 12 MONTHS	28
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GUIDING PRINCIPLES	29
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I. QUALIFICATIONS FOR FUNDING

A. DIRECT LEGAL ADVOCACY MATTERS THAT QUALIFY FOR FUNDING (ADVERSARIAL PROCEEDINGS WITH A TRIER OF FACT)

1. When funding is requested on behalf of a party to litigation or direct legal advocacy as part of a formal adversarial proceeding

- a. It is the mission of ADF to fund pro-active litigation and direct legal advocacy in the area of:
 1. Religious liberty;
 2. Sanctity of human life; and
 3. Defense of marriage and family.
- b. ADF sets tough financial and legal standards for grant applicants. The grants are awarded on the basis of the:
 1. Merits of the individual matter;
 2. A matter's likely precedent-setting impact on an international, national, and/or regional level;
 3. Likelihood that the matter will build or add to a body of law that others can use in litigating their cases or advance legal advocacy;
 4. A matter's fit with the strategic organizational priorities of Alliance Defending Freedom, which varies depending upon the current allied strategy;
 5. The stage of litigation and the court level;
 6. Level of resources available; and
 7. Capacity does not permit all meritorious cases to be funded, and funding will be prioritized on cases with the highest strategic value.
- c. Funding Stages of Litigation – Funding is based on stages and priorities:
 1. Objective Criteria: Applicant will be given an opportunity to provide data to help the committee evaluate the potential impact of the matter.
 - Meritorious: A case that arises in the defense or promotion of legitimate legal claims consistent with the mission of ADF.
 - Strategic: A case that is likely to set substantive, pioneering appellate precedent or build on an existing division within the appellate courts that furthers the ADF mission
 - Priority Alignment: A case that directly addresses legal issues identified as an organizational priority by an ADF direct advocacy team positioned to impact the ADF mission.
 - Organizational priorities are subject to change as the legal landscape and ADF's focus changes.
 2. Targeted Funding Table for litigation arising in the United States:

<u>Litigation Stage</u>	<u>Meritorious</u>	<u>Strategic</u>	<u>Priority Alignment</u>
<u>Administrative Proceeding</u>			
Panel/Officer	\$3,000.00 - \$4,000.00		\$5,625.00 - \$7,500.00
Appeal Board	\$6,000.00 - \$8,000.00		\$9,375.00 - \$12,500.00
<u>Trial Level</u>			
<u>Plaintiff</u>			
Filing through Summary Judgment *	\$30,000.00 - \$40,000.00	\$45,000.00 - \$60,000.00	\$63,750.00 - \$85,000.00
Trial **	\$37,500.00 - \$50,000.00	\$60,000.00 - \$80,000.00	\$82,500.00 - \$110,000.00
<u>Defendant</u>			
Filing through Summary Judgment *	\$30,000.00 - \$40,000.00	\$41,250.00 - \$55,000.00	\$60,000.00 - \$80,000.00
Trial **	\$37,500.00 - \$50,000.00	\$56,250.00 - \$75,000.00	\$78,750.00 - \$105,000.00
<u>Appellate Level</u>			
Request for discretionary review if applicable	\$7,500.00 - \$10,000.00	\$11,250.00 - \$15,000.00	\$15,000.00 - \$20,000.00
Appeal	\$11,250.00 - \$15,000.00	\$15,000.00 - \$20,000.00	\$22,500.00 - \$30,000.00
<u>SCOTUS</u>			
Petitioner Certiorari	\$0	\$22,500.00 - \$30,000.00	\$33,750.00 - \$45,000.00
Respondent Certiorari	\$0	\$11,250.00 - \$15,000.00	\$18,750.00 - \$25,000.00
Petitioner SCOTUS	\$0	\$56,250.00 - \$75,000.00	\$90,000.00 - \$120,000.00
Respondent SCOTUS	\$0	\$56,250.00 - \$75,000.00	\$90,000.00 - \$120,000.00

* Targets are based on capacity relative to the historical average time investment in a case and are not intended to represent the fair market value of the investment necessary to complete litigation. The opportunity will be provided to petition for funding above the targeted amounts based on extraordinary circumstances or unexpected factors (i.e. excessive discovery, lengthy depositions, numerous expert witnesses).

- d. Funding expectations for advocacy outside of the United States varies greatly depending upon the nature of the forum and the country wherein the advocacy is taking place and will be considered on a case by case basis.
- e. ADF will consider funding only to those matters:
 1. In which the adversarial process / litigation has begun at the time ADF receives the grant application; or
 2. Where the adversarial process / litigation is imminent, i.e., the matter has progressed to a point where a demand letter has been sent or a complaint / petition is being prepared and all preliminary preparations and investigations are complete.
- f. As a rule, ADF does not fund non-legal advocacy, criminal litigation, or litigation between private parties unless it:
 1. Clearly is in the public interest as defined by the U.S. Dept. of Revenue (not merely a dispute between private parties involving damages and/or tort theories);
 2. Presents issues with significant multi-jurisdictional impact; and
 3. Is aligned with the mission of ADF to further- religious liberty, sanctity of life, and the defense of family values, including a biblical definition of marriage and parental rights.
 4. Additionally, if the matter involves family law, ADF will consider

applications **only** in matters where the religious liberty issue is the dominant aspect of a custody dispute or when dealing with an issue of custody in which the nature of marriage and/or family is at stake.

- g. In most instances, ADF provides funds in matters where people cannot undertake complex litigation or legal advocacy on their own.
- h. ADF will consider funding applications for pro-active matters against a social service agency **only** where the plaintiff has been exonerated of dangerous or immoral behavior.

2. When funding is requested to submit an amicus brief

- a. As amicus briefs are designed as “friend of the court” briefs and not as representative of any party, it is the policy of ADF to fund only amicus briefs based on the following factors:
 - 1. The adequacy of the representation before the court of the principal party;
 - 2. Whether the brief addresses matters of general interest and importance to society;
 - 3. Whether the brief raises relevant arguments that the parties have not, cannot, or should not, raise in the principal brief, but yet are subject to the court’s review;
 - 4. Whether the brief was actively solicited by a party, designated amicus coordinator, or ADF staff member;
 - 5. The uniqueness of the brief, both in relation to the case at bar and compared to prior briefs submitted by the applicant;
 - 6. The centrality of the arguments to the issues likely to be addressed by the court;
 - 7. The germaneness of the amici represented to the subject matter of the litigation;
 - 8. The number of briefs likely to be submitted to the court; and
 - 9. Whether the substance of the brief meets the standards set forth in section I.A.1.
- b. ADF will consider the funding of amicus briefs in the principal case in the following domestic courts,
 - 1. U.S. Supreme Court
 - 2. Federal Courts of Appeal, and
 - 3. State Supreme Courts
- c. In exceptional circumstances, ADF will fund amicus briefs at the trial court level; however, such funding requires a unanimous approval by the Executive Legal Council.
- d. ADF will consider the funding of amicus briefs in the principal case at the intermediate state court of appeals if:

1. There is no right of appeal to the state supreme court; or
2. A trial court ruling is undefended on appeal and the amicus brief is the only defense being made.

(As a general note, amicus briefs will not be funded at any state level unless the case establishes or defends important precedent nationally or has national implications.)

- e. ADF will consider funding of amicus efforts in appellate courts outside the U.S. with priority given to the courts exercising broader jurisdiction.
- f. Only in exceptional circumstances will ADF fund amicus briefs in support of or in opposition to:
 1. Petitions for discretionary appellate review / certiorari; or
 2. Petitions for rehearing.
- g. An application for the funding of an amicus brief must include either:
 1. An affirmation that the amicus brief has been coordinated with the principal party and the principal party has deemed the brief advisable;
 2. Where the parties are appositional, a statement as to why the brief is advisable or necessary. E.g., if the brief addresses issues of interest to ADF that may be affected by the decision in the present case;
 3. Where a series of amicus briefs are being coordinated by ADF or an ally identified by ADF that is working closely with the principal party, an affirmation that the amicus brief has been coordinated with the alliance and the brief has been deemed advisable; or
 4. In the unusual circumstance where coordination is not feasible, the applicant must include a statement setting forth in detail the efforts made to coordinate and set forth an explanation as to why coordination was not feasible.

(Coordination as used in this section is intended to mean that the principal party or coordinating ally had an extended discussion with the applicant about all of the claims and arguments to be addressed in the amicus brief and the principal party or coordinating ally agrees that the arguments raised in the proposed brief are consistent with an agreed upon legal strategy).

- h. The application must also indicate how the brief presents unique information or perspective that can help the court beyond what the lawyers for the parties are able to provide and why it would be of assistance to the court in addressing issues of general interest.
- i. No funding is available for amicus briefs submitted to the U.S. Federal Appellate Court in cases in which ADF is a counsel of record for a party before the court, where ADF is filing its own amicus brief before the court,

or where ADF has already provided funding for an amicus brief filed before the same court. Funding may be similarly limited in some state appellate courts as well.

- j. ADF will not fund duplicate amicus briefs, those being ones that primarily address the same or related issues. Should the issue of duplicate amicus brief applications arise, it will be the responsibility of the principal party, or the member of the alliance coordinating the various briefs, to indicate which brief should receive funding consideration.
- k. ADF funding for an amicus brief that is substantially similar to or covering the same primary topics with substantially similar analysis as a brief previously funded by ADF when the applicant has submitted funding requests for both briefs may be reduced from the maximum funds allowable for amicus briefs.
- l. ADF funding for amicus briefs is subject to preset limits set forth in section III.B.2. of these guidelines.
- m. ADF will consider a grant request for an amicus brief before its filing with the court; however, in the event ADF pays on the grant and the amicus brief is subsequently not accepted for filing, the grantee shall refund the grant amount.
- n. ADF will not pay for the coordination of amici signers as separate from the funding of the actual amicus brief. Any coordination effort in connection with a particular amicus brief will be considered part of the amicus brief cost. The funding of a project to coordinate multiple amicus briefs is addressed in section I.B.5.

3. When funding is requested to intervene as a party to pending litigation

In exceptional circumstances, ADF may fund legal work in which the applicant is desiring to intervene in order to protect significant legal interests consistent with the scope and mission of ADF, but the applicant has not been made a party to the action.

- a. The matter in which intervention is sought must meet the qualifications set forth in section I.A.1.
- b. Funding will not exceed \$7,500 for any activity taken prior to being recognized as a party to the matter by the presiding court, including the motion to intervene or memorandum of law related to intervention.
- c. In the event intervention is granted, the applicant may submit a request for supplemental funding, consistent with the limitations on supplemental funding set forth in these guidelines, for legal activity, costs, or expenses incurred from the date intervention was granted forward.

4. When funding is requested on an emergency basis

- a. ADF recognizes there are times when the need for funding may arise before the ADF Executive Legal Council can consider the application and make its recommendation. An emergency funding request may be considered in the following circumstances. See section II.A.2:
 1. The opportunity to effectively proceed with the case will be lost or substantially compromised if funding is not awarded prior to the next regularly scheduled meeting of the review council;
 2. The amount requested is only what is necessary to get the case through the emergency stage, but in no event shall the amount requested exceed \$10,000 on matters normally subject to the normal review process pursuant to section II. A.2.; and
 3. An online grant application has been submitted to ADF.
- b. There may be no more than one emergency funding request for any individual matter.
- c. An emergency request is intended to cover out of pocket expenses that would make proceeding with litigation or time sensitive matter unfeasible without immediate financial provision.
- d. An emergency award is not intended to provide assurance to an applicant that their time will be covered or that additional funding will be available.

B. INDIRECT LEGAL ADVOCACY MATTERS THAT QUALIFY FOR FUNDING (LEGAL PROJECTS/SCHOLARLY WRITING/POLICY ANALYSIS)

1. Projects Related to Direct Advocacy

- a. As a general policy, ADF will not fund “Projects Related to Direct Advocacy” with the possible exception of a narrowly defined project that is:
 1. In anticipation of an adversarial proceeding - meaning that the strategic decision to engage in the adversarial proceeding has already been made and all preliminary investigations are complete or nearly complete, or
 2. In anticipation of developing litigation / adversarial opportunities – meaning a factual or legal scenario has been identified in which ADF is convinced that the opportunity should be a strategic priority and the legal theory to achieve successful decisions in a series of matters is complete or nearly complete.

- b. Projects should be designed to result in:
 - 1. Pro-active litigation or direct legal advocacy;
 - 2. Initiated by the plaintiff;
 - 3. For the expressed purpose of establishing favorable precedent or challenging legislation with broad ramifications; and
 - 4. Addressing one of the three areas of concern of ADF - religious liberty, sanctity of life, and the defense of marriage and family values.
- c. The project must have clearly defined goals with an anticipated finish date and objective standards for measuring success. All funding will go to exclusively legal tasks.

2. Projects Related to Indirect Advocacy

- a. As a general policy, ADF will not fund “indirect legal advocacy projects” with the possible exception of a narrowly defined project that is clearly designed to accomplish goals consistent with the mission and focus of ADF.
 - 1. Such projects must have clearly defined goals that can be tangibly measured and contain a concrete beginning and ending date.
 - 2. ADF shall be provided copies, preferably in electronic format, of all work products associated with the project.
- b. Terms and Qualifications
 - 1. Payment for the project will be made upon satisfactory completion of incremental bench marks and shall be made retroactively.
 - 2. Reimbursement for expense shall be paid upon the receipt of invoices.
 - 3. Periodic status reports in a manner and format acceptable to ADF will be made for the entire life of the project.

3. Legislative Work or Public Policy Advocacy before a Governing Body

- a. In very limited situations, ADF will consider applications for funding for legal analysis provided to legislative bodies or public policy advocacy only when it is:
 - 1. Neutral legal research on legislative bills or policy pronouncements by a multinational body such as the United Nations
 - 2. Neutral legal research on a subject requested by a legislator or member or delegate to a multinational body such as the United Nations; and/or
 - 3. Testimony before a legislative or multinational body dealing with the legal ramifications of a particular piece of legislation or policy pronouncement; and/or

4. Legal opinion based on the lawyer's independent review of the issue before him/her; and
 5. Directly relates to one of the three areas of concern of ADF - religious liberty, sanctity of life, and the defense of the marriage and family.
- b. It is not a requirement that the lawyer have no personal opinions on the matter; however, the legal work must be free of clouding bias, must be comprehensive, and must not be couched in pejorative, advocacy terms.
 - c. No funding will be provided for promoting a particular political campaign, electioneering, or the solicitation of votes for pending or proposed legislation.

4. Moot Courts

- a. Application for moot court funding in cases in which ADF is funding the principal case should be included as part of the cost of the principal case and requested by the principal party.
- b. Application for moot court funding in cases in which ADF is either not funding the principal case or is funding only amicus activity may be submitted by the party seeking to conduct (as opposed to someone merely seeking to attend) the moot court.
- c. Absent extraordinary circumstances, funding for the coordination of moot court(s) related to a single oral argument will be limited as follows:
 1. For a case that has not been accepted for review by the U.S. Supreme Court, the high appellate court of a country, or a high appellate court with multinational jurisdiction, funding may not exceed \$3,000.00.
 2. For a case that has been accepted for review by the U.S. Supreme Court, the high appellate court of a country, or a high appellate court with multinational jurisdiction, funding may not exceed \$5,000.00.
- d. Funding will be limited to covering some or all of the following:
 1. Time spent communicating with counsel for the party relating to coordination efforts.
 2. Time spent collecting and disseminating materials to legal counsel participating in the coordinated efforts.
 3. Time spent preparing for or hosting coordinated meetings among participating legal counsel.
 4. Printing and communications costs.
 5. Transportation costs of legal counsel participating in the coordinated efforts.
- e. Funding will not be available to reimburse other participating legal counsel

for travel time, preparation time, or time spent participating in moot courts or coordinated efforts.

5. Amicus Coordination Projects

- a. In general, ADF will not pay for the coordination of amici as separate from the funding of the actual amicus brief. Any coordination effort in connection with the amicus brief will be considered part of the amicus brief cost. The only exception to this policy is for a case that meets the following:
 1. Pending hearing at the U.S. Supreme Court, the high appellate court of a country, or a high appellate court with multinational jurisdiction;
 2. Has significant implications that directly impact the mission of ADF; and
 3. ADF is not funding parties to the case.
- b. The grant application must show:
 1. The specific need for a coordinated effort in the case;
 2. What amici and/or legal counsel are expected to be included in the coordination effort including the number of briefs that are anticipated;
 3. A specific plan as to how the coordination effort will be implemented; and
 4. The application must be accompanied by a completed project budget.
- c. Absent extraordinary circumstances, funding for an amicus coordination will be limited as follows:
 1. For a case that has not been accepted for review by the high court funding may not exceed \$10,000.00.
 2. For a case that has been accepted for review by the high court funding may not exceed \$15,000.00.
- d. Funding will be limited to covering some or all of the following:
 1. Time spent identifying distinct legal topics to be addressed by amici.
 2. Time spent identifying parties to amici briefs and attorneys to draft the briefs.
 3. Time spent communicating with counsel for the party relating to coordination efforts.
 4. Time spent collecting and disseminating materials to legal counsel participating in the coordinated efforts.
 5. Time spent preparing for or hosting coordinated meeting among interested amici and participating legal counsel.
 6. Time spent reviewing and consulting on briefing to ensure alignment with strategic objectives.
 7. Printing and communications costs.

8. Transportation costs of legal counsel participating in the coordinated efforts.
- e. Funding will not be available to reimburse other participating legal counsel for travel time, preparation time, or time spent participating in coordinated efforts or drafting of an amicus brief. If the amici coordinator drafts an amicus brief, funding for that brief must be requested in a separate grant application.

6. Consultation with Attorneys General, Others

Alliance Defending Freedom will not fund consultation work performed with state attorneys general, city attorneys, or other counsel as separate from the funding of a particular matter or amicus brief.

C. SCHOLARLY WRITINGS THAT QUALIFY FOR FUNDING

1. Scholarly Writing in General

- a. Scholarly writing may be funded if it otherwise qualifies as a Project under I.B. Scholarly writing will generally be limited to narrowly tailored articles or notes intended for publication in Law Reviews or Legal Journals published by accredited law schools and well-established legal periodicals or for presentation to scholarly symposia and legislative / policy-making bodies.
- b. All proposed works must be approved by ADF prior to being drafted.
- c. All proposed works must strategically focus on current cutting-edge legal questions or assertions that directly impact, and may be deemed persuasive as to, legal issues affecting religious liberty, sanctity of life, and the defense of the marriage and family.

2. Schedule and Structure

- a. Applicant must submit a written proposal prior to drafting the work and the proposal must contain:
 1. A clear and concise statement of the legal question;
 2. A summary of the conclusions expected to be reached;
 3. A rough draft outline of the proposed scholarly work;
 4. A proposed timeline for completing the scholarly work; and
 5. A list of all, if any, law schools, periodicals, governing bodies, or symposia that have expressed interest in the publication.
- b. All funding for scholarly writing will be at a pre-set fee, but will typically not exceed \$10,000.00, irrespective of the length of the scholarly work or the place of publication.

- c. Payment schedule:
 - 1. 25% of the pre-set fee will be disbursed upon the approval of the proposal;
 - 2. 25% of the pre-set fee will be disbursed upon the receipt of a draft that is determined to be in publishable form and format;
 - 3. 50% of the pre-set fee will be disbursed upon actual publication.
- d. An electronic copy of the completed product will be supplied to ADF for use within the alliance. Appropriate attribution will accompany any such use.
- e. In exchange for funds granted, the author of the work agrees to grant ADF a license to print, reprint, distribute, and edit the work product in whole or in part consistent with the charitable purposes of ADF.
- f. In the event the work is never completed, all work product will be forwarded to ADF for use as mentioned in paragraph I.C.2.e.

II. PROCESS FOR FUNDING APPROVAL

A. REVIEW PROCESSES

1. Grant Review Cycle in General

- a. ADF evaluates grant applications via a formal review process. The process includes:
 - 1. The monthly collection of pending applications that are received prior to a published cut-off date. Cut-off dates for submitting grant applications are published online at:
<https://adflegal.org/assets/downloads/grants-funding/schedule/>;
 - 2. The collation and preparation of the application, supporting documentation, and development of all materials to assist in the review process;
 - 3. The evaluation of a review council concerning the viability and priority of the matter or project that is the subject of the application as well as the amount of funding;
 - 4. The review and approval of the ADF Chief Executive Officer (CEO);
 - 5. The review and approval, if necessary, of the ADF Governing Board of Directors; and
 - 6. The notification of the applicants regarding the status of the request for funding.
- b. The grant review cycle recurs every month.

2. Executive Grant Review Process

- a. The Executive Grant Review Process is the primary process by which grant applications are evaluated, and is used for all grant applications that do not otherwise qualify for review via the Direct Grant Review Process.
- b. The Executive Grant Review Process is an evaluation process in which the ADF Executive Legal Council (ELC), comprised of senior executive staff in the legal department reviews a completed grant application and makes a funding recommendation to the ADF CEO.

3. Direct Review Process

- a. The Direct Review Process is available to review funding requests for small amounts that do not require the direct approval of the ADF CEO or Governing Board of Directors.
- b. The senior counsel responsible for the Grants and Funding program may approve a grant request that meets the following qualifications:
 1. The funds requested are, absent extraordinary circumstances, limited to covering out-of-pocket expenditures to assist in the provision of pro-bono hours that are in furtherance of a matter or project that provides a direct benefit to ADF; and
 2. The funds requested do not exceed \$6,000.
- c. The CEO and General Counsel of ADF may, in his sole discretion, approve a funding request; however, this discretion is exercised in very limited circumstances, as it is the practice of the CEO to direct funding requests to a grant review process that incorporates the benefit of a review council.

B. INITIAL FUNDING REQUEST

1. The review process begins upon the receipt of a completed [online application](https://adflegal.org/for-attorneys/grants-funding/application) for funding. An application will not be considered complete if it is unaccompanied by the requested support documentation. An online application may be accessed at: <https://adflegal.org/for-attorneys/grants-funding/application>
2. An applicant that is requesting the application to be evaluated using the Direct Grant Review Process should identify the application as a “Cost Grant” when completing the online application and keep the amount requested to less than \$6,000.
3. A funding request for a matter may be submitted for direct legal advocacy after the matter has progressed to the point consistent with section I.A.1.f.
4. A funding request for direct legal advocacy may be submitted for:

- a. Legal work and associated costs and expenses by counsel for the principal party;
- b. Amicus work, or;
- c. A motion to intervene as a party.

ADF typically does not fund work by attorneys not officially admitted in the action or participating in the drafting of an amicus brief.

- 5. A funding request for a project may be submitted at any point in a project, however, funding for the project will be prospective from the date ADF receives the application into its offices, unless otherwise permitted by section II.B.8.
- 6. To consider a request for a grant, ADF must receive:
 - a. One completed grant application submitted online and one set of the required attachments **in electronic format**.
 - 1. Applications submitted without budgets (if required) will not be processed.
 - 2. If the request is for an amicus brief, an electronic copy of the amicus brief should be submitted prior to consideration by the review council.
 - b. Grant applications must be received by the close of business in the Arizona office of ADF on or before the deadline date for the pending grant review cycle. Cut-off dates for submitting grant applications are published online at: <https://adflegal.org/assets/downloads/grants-funding/schedule/>.
 - c. Grant applications received after the deadline will be prepared for the following grant review cycle.
- 7. By applying for, accepting, or utilizing funds via the grants and funding program, all applicants and the attorney(s) whose legal services are to be covered in whole or in part by such funds acknowledge and/or agree:
 - a. To allow ADF attorney(s), subject to the consent of the client, to join the matter as co-counsel at the discretion of ADF. If ADF notifies attorney applicant that ADF so elects to become co-counsel, the attorney applicant shall enable ADF to discuss the potential co-counsel relationship directly with the client and the attorney applicant in a manner consistent with the attorney applicant's ethical obligations to the client;
 - b. If the application is to fund an amicus brief that has not been filed, to obtain consent from the client(s) to allow and to place, at the sole discretion of ADF, an ADF staff attorney(s) as counsel on the brief and/or include ADF as a party in interest to the brief;
 - c. That all funds awarded are to be used exclusively for the stated project or

matter;

- d. To provide ADF a full accounting of the use of all funds awarded;
- e. To provide evidence of total hours, costs and expenses incurred to complete the legal matter or project for which funding is provided (for example: complete billing records for all attorneys and staff representing a party or amici, or documents filed with the court requesting and verifying attorney's fees and/or costs);
- f. To advise ADF in a manner and format acceptable to ADF of the status of the matter or project whenever payment is requested and on a **monthly basis** and provide copies, preferably in electronic format, of written legal materials, sample materials, and training documents, as well as electronic copies of relevant pleadings and briefs prepared as a part of the matter or project;
- g. That the above obligation of reporting extends **until the matter has reached its completion**, irrespective of the remaining funds set aside for the grant;
- h. To timely respond to questions and inquiries made by ADF staff to assist in the evaluation of the outcome of the legal matter funded;
- i. That all attorneys of record and in an attorney-client relation in the matter are members of a state bar in good standing and will act in conformity with applicable law;
- j. To promptly execute and return a disclosure agreement;
- k. To permit ADF to use the grantee's, attorney's, and the client's name and to publicize the issuance of the award and other related matters;
- l. To promptly notify ADF in writing of any request or demand—whether formal or informal, including but not limited to discovery requests—seeking information regarding the grant funds awarded by ADF. Relevant requests or demands include, without limitation, those seeking the existence of the grant; the identity of ADF as the grantor; the amount awarded; or any related terms, conditions, or communications. The recipient or recipient's attorney shall provide such notice to ADF sufficiently in advance of any response or disclosure to allow ADF a reasonable opportunity to advise on a response, objection, or other appropriate action as it deems appropriate. Nothing in this provision shall prevent recipient or recipient's attorney from acting in conformity with applicable law;
- m. In the event the recipient receives or is awarded, by the courts, via settlement, or through other proceedings or agreement, any costs, fees,

and/or expenses, without regard to the title, label, or designation of the funds, relating to the matter for which funds have been received, recipient will notify Alliance Defending Freedom of such receipt and will **reimburse Alliance Defending Freedom for all funds disbursed by Alliance Defending Freedom**. Alliance Defending Freedom shall be reimbursed up to the full amount of funds paid to the grantee for the specified case/matter prior to any other costs, fees, and/or expenses being distributed. Because Alliance Defending Freedom may be reimbursed only up to, and without exceeding, the full amount of funds paid to the grantee for the specified case/matter, without interest, Alliance Defending Freedom will receive no financial gain from the case or project. Regardless, neither this section II.B.7.1 of the Alliance Defending Freedom Grants and Funding Guidelines nor the Monetary Awards provision of the Grant Award Letter shall apply in any jurisdiction that requires by legal statute, court order, or other law the disclosure of third parties that purportedly have a financial interest in the outcome of litigation;

- n. That upon the completion of the matter or project, whether the result be positive or negative, recipient and grantee will promptly advise ADF of the outcome of the matter or project and provide an electronic copy of the final decision, project, or other such documentation;
- o. That the materials, pleadings, demand letters, etc. may be stored, electronically posted and disseminated for the benefit of the alliance;
- p. That all acts of grantee and its attorneys will be in conformance with all applicable laws, IRS regulations and guidelines, rules of ethics, and biblical principles. It is the affirmative duty of the grantee and its attorneys to ensure such conformity;
- q. That they have reviewed the ADF Guiding Principles published at the end of this guideline manual and will not use any ADF funding in any way contrary to either document;
- r. To take no public position related to the matter or project for which a grant is sought that conflicts with ADF Guiding Principles or public legal strategy on matters relating to the relevant category of religious liberty, sanctity of life or the maintenance of Marriage and Family values. Should the recipient engage in other legal activity than the matter or activity described in the grant application that is outside the scope of the ADF mission, or the legal focus and strategy of ADF, such activity will be pursued with income separate and apart from any revenue resulting from any funds received from ADF;
- s. To, when requested by ADF, acknowledge their relationship as part of the greater Christian legal alliance when making any external communication about the legal matter that is the subject of a grant award with a statement

such as this in appropriate public communications: "Allied with the ministry of the Alliance Defending Freedom for legal strategy, litigation training, and matter funding" or other wording acceptable to ADF;

- t. To notify and make all reasonable efforts to coordinate any public communication, press releases, or media interaction concerning the legal matter funded by ADF with the ADF media communications department;
 - u. To provide background information to assist ADF in communicating the accomplishments of the grantee or the outcome of the matter or project; and
 - v. That acceptance of funds from ADF will act as an acknowledgment of the terms and conditions of these guidelines and an agreement to conform to the requirements of the Grants and Funding Guidelines in effect at the time a disbursement is requested and/or received, and further acknowledges that a failure to comply with the terms and conditions set forth may result in an immediate termination, at the sole discretion of ADF, of any and all grants or obligations to provide funding for any funds requested past or present.
8. Funding of the grants is prospective commencing from the time ADF receives the grant application. The only exceptions to these guidelines are:
- a. If the application seeking funds for a judicial or administrative proceeding filed before the court or administrative body has made any interlocutory or dispositive rulings, ADF will consider costs retroactive to the filing of the action or creation of the demand letter, as set out below; or
 - b. If a grant has been previously awarded for a matter, a limited amount of funding may be awarded for work performed between the exhaustion of prior grant funds and the award of additional funds consistent with section II.D.6.;
 - c. In the case of an amicus brief application, the request can cover prospective and retroactive costs of the brief, up to the ADF guideline limits as long as the application is submitted before the filing of the brief with the court or within a month thereafter. Applicant must however comply with the guidelines set forth above.

C. TABLED APPLICATIONS

Requests for additional information on applications for funds that have been deferred from consideration by ADF must be responded to in writing within six months from the date of the letter requesting additional information. If this information is not received within the prescribed time, the funding request will be denied. A completely new application for funds must be submitted if funding is sought again for the same matter or project.

D. SUPPLEMENTAL FUNDING REQUEST

1. Recipients of previously awarded funds that have been exhausted consistent with the terms of the grant may apply for supplemental funding in a pending matter or project. However, simply because ADF has funded the matter or project in the past does not guarantee that supplemental funding will be granted. Each request for funding in any one matter or project is considered on its own merits and will go through essentially the same review process as the initial funding request.
2. To consider a supplemental funding request, ADF must receive from the applicant a completed online supplemental application, and a budget estimate for the newly requested funds. An online supplemental application may be accessed at: <https://adflegal.org/for-attorneys/grants-funding/application>.
3. Applications for supplemental grants must be received by the close of business in the Arizona office of ADF, on or before the cut-off date for the pending grant review cycle. Cut-off dates for submitting grant applications are published online at: <https://adflegal.org/assets/downloads/grants-funding/schedule/>.
4. Applications received after the deadline will be prepared for the following grant review cycle.
5. A supplemental request for funding can be made at any stage of the litigation or project. However, once the targeted amount of funding for a stage has been reached the applicant should not expect additional support until the case moves to the next stage. Any request for additional funding over the target should be accompanied with an explanation of the unusual situation that would warrant an additional amount.
6. Funding is prospective only unless there is a specific request for a certain sum of money designated as “Request for Retroactive Funding” to cover past costs and attorneys’ fees. In no event shall money awarded for past costs and attorneys’ fees exceed \$10,000.00 or cover past costs or attorneys’ fees incurred or accrued more than 60 (sixty) days prior to the receipt of a request for supplemental funding and all funds previously set aside have been fully expended. The request for past costs will be taken up by the evaluation committee separate from the prospective amount requested.

E. PETITIONS TO ALLIANCE DEFENDING FREEDOM

ADF considers carefully all applications for funds submitted. It is important that the attorneys who evaluate the grant requests, the CEO, and the ADF Governing Board are free to assess each grant objectively. To that end, petitions made directly to ADF staff, Founders, and Governing Board, on behalf of a particular grant application cannot and will not be considered. Such petitions will be considered counterproductive. All requests for funding must go through an established grant

review process and ultimately be reviewed by the ADF Governing Board of Directors. No ADF employee is authorized to promise or authorize funding independent of these guidelines and any such representation to the contrary will be deemed *ultra vires*.

F. CONFIDENTIALITY

Unless mandated by legal statute or court order, ADF does not reveal the dollar amount of any grant award to anyone other than the attorney and/or party making the application with ADF. Said parties shall not reveal the grant award amount or hourly compensation rates without the express permission of ADF. Alliance Defending Freedom does not require an applicant to reveal attorney-client privileged information. Any information revealed in the grant application or in communications with the grants and funding department concerning the grant or status of the matter or project being funded may be deemed to be communicated to a third party and may be discoverable.

G. EUROPEAN GENERAL DATA PROTECTION REGULATION (GDPR)

Grant applications are a part of Alliance Defending Freedom (“ADF”), which is based in the United States. All applications require submission of personal information to ADF. In addition to the information you submit in an application, ADF may consult other sources and will review any information we already have on file about you if you have a prior relationship with ADF or ADF International. ADF Grants & Funding team personnel and other teams associated with the grant application process will have access to your personal information. All information submitted in connection with an application will be transmitted to and processed (used) by ADF in the United States. As the parent company of all ADF International entities around the globe, ADF provides their funding and is involved in their operations. Accordingly, ADF personnel will continue to process your personal information for administrative purposes in connection with your relationship with ADF and ADF International on an ongoing basis. ADF retains application information for multiple reasons, including retaining information about applicants and qualifications, continuing the relationship with the applicant, and assessing the veracity of the application. International applicants must consent to the processing of personal information in connection with an application.

H. ATTORNEY-CLIENT RELATIONSHIP

The review of a grant application, and communications related thereto, or the award of a grant does not create an “attorney-client” relationship between ADF and persons or entities receiving funds. An “attorney-client” relationship requires a mutual understanding between ADF and a person or entity seeking legal services whereby both parties intend that an authorized attorney employed by ADF will provide legal services on behalf of the person or entity. An “attorney-client”

relationship can only be established with ADF by an express agreement between the client, or an authorized agent of the client, and an attorney employed by ADF with authority to commit ADF to providing legal services for the benefit of the client. Communications regarding funding or status of the matter or project giving rise to the funding request does not constitute legal advice.

I. COMMUNITY BENEFIT AND ECONOMIC FEASIBILITY

ADF funding is limited to services that are a benefit to the community as a whole representing a significant public interest where such representation is not ordinarily provided by traditional private law firms. Typical public interest matters are not economically feasible for private firms because no individual has sufficient economic interest to warrant bearing the cost of private counsel. Rev. Rul. 75-74. Therefore ADF funding will only be provided with an affirmative representation that the matter sought to be funded is a benefit to the community as a whole and that due to economic feasibility, it is unreasonable to expect this matter to be handled by a traditional private law firm.

III. PROCESS FOR PAYMENT OF FUNDS

A. GENERAL REQUIREMENTS FOR PAYMENT OF FUNDS

1. General Requirements

Once funding is awarded, the money awarded is immediately set aside and designated to be used solely for the purpose consistent with the goals stated in the application for funds. ADF generally pays after services are provided, costs are expended, upon receipt of invoices demonstrating the work that has been completed, and a complete matter or project update has been submitted in an acceptable format. An invoice for fund disbursement must be submitted independent of a request for a supplemental grant. Time and expense records submitted with a request for supplemental funds will not be considered as an invoice for the distribution of funds.

a. All invoices should include:

1. The present status of the matter or project;
2. The dates on which work occurred;
3. A description of the work/activity;
4. Identification of the person who completed the task, by name and title;
5. And the amount of time spent on each activity;
6. If the invoice is for an amicus brief, a copy of the filed brief, including signatures, in searchable electronic format must be submitted before the invoice can be processed.

- b. All matter updates should be submitted in a format or on a form approved by ADF and should contain information, including dates or anticipated dates of occurrences and an outcome report on at least the following court activities:
 1. Case filing;
 2. Filing dispositive motions;
 3. Filing motions for TRO or preliminary injunction;
 4. Responses to a complaint or dispositive motion;
 5. Hearing on a dispositive motion, trial or oral arguments;
 6. To the extent possible, a time frame to anticipate a ruling;
 7. All rulings on dispositive motions, final judgments and appeals;
 8. Filing of Statement(s) of Issues on Appeal;
 9. Anticipated dates for filing appeal, motion for rehearing, or petition for certiorari; and
 10. Granting or denial of appeal, motion for rehearing, motion for en banc review, or petition for certiorari.
 11. A petition for or settlement of attorneys' fees

2. Moral Responsibility

As stewards of limited resources sacrificially given, ADF seeks to award funding to allies that strive to act in a manner consistent with the Guiding Principles of ADF; therefore, ADF reserves the right to deny or discontinue funding, regardless of the merits of the proposal or request, in instances where ADF has knowledge that the applicant is engaged in activity involving moral turpitude and/or sexually immoral conduct.

3. Sole Discretion of Alliance Defending Freedom

- a. The terms of these guidelines do not constitute a contract and may be modified, changed, or updated and is subject to change without notice at the sole discretion of ADF. All grant recipients have an affirmative duty to be aware of and comply with the current guidelines and related revisions.
- b. ADF reserves the right to cancel or modify any grant or funding agreement in its sole discretion. The receipt of funds is not a right or entitlement and the awarding of funds does not create such a right on the part of the grant recipient or funding beneficiary. These guidelines do not create a contract or establish an affirmative obligation upon ADF, but rather these guidelines set forth the expectations and understandings pertaining to the operation of a grantee-grantor relationship.

4. Acceptance Equals Acknowledgement

Acceptance of any funds from ADF acts as an acknowledgement of and an agreement to conform to the requirements of the Grants and Funding Guidelines

in effect at the time the funds are received.

5. Set Rate for Reimbursement of Time

ADF reimburses time expended on U.S. legal work that is subject to a grant award. ADF reimburses that time at the current rate that the attorney and staff charge their clients, though, for purposes of a grant award, those rates are capped at the amounts listed below. Those rate caps do not reflect market value and are not dependent upon the experience or expertise of those contributing their time. Rather, applying those rate caps allows ADF to distribute scarce resources to more matters and projects while permitting those contributing their time and effort to receive compensation for such contributions.

Rates for legal work done outside the U.S. are not expected to exceed reasonable and customary legal rates for the locale in which services are provided, but should not be expected to exceed the U.S. rates.

Schedule of Rate Caps:

Attorney: \$400/hour

Law Clerk: \$166/hour

Paralegal: \$133/hour

Legal Assistant: \$60/hour

B. PAYMENT OF FUNDS FOR MATTERS OF DIRECT LEGAL ADVOCACY

1. Representing Parties to an Adversarial Process

- a. ADF limits funding for initial investigations into a legal matter. Consequently, funding for work done before a matter is formally instituted is limited as follows:
 1. Up to seven hours for work on the demand letter; or, in the event no demand letter is sent;
 2. Reasonable time spent drafting the complaint.
- b. ADF will not distribute funding in excess of \$10,000 for legal work or expenses performed without a formal pleading being filed with the court to officially commence active litigation. In unusual circumstances, such as when an extensive complaint is accompanied by interlocutory or dispositive motions on the merits, it may be possible for a grant recipient to request reimbursement for time or expenses incurred in excess of \$10,000 that occurred prior to a suit being filed, but such circumstances will only be evaluated after the initial filings are made.
- c. No ADF grant money will be paid or used for:
 1. Time spent preparing or processing the grant application for funds or

communication with ADF regarding the processing of a funding request or funding payment;

2. Time spent or costs related to media on the matter/project;
3. Travel time, unless the travel time is spent actively working on the matter/project. The presumption will be that travel time was not spent working unless the invoice clearly indicates what portion, if any, of the travel time is compensable because of work;
4. Any type of fee an entity may charge for its services; nor,
5. Satisfaction of any court imposed fines, sanctions, costs, fee awards, damages, or similar benefiting the opposing party.

2. Amicus Briefs

- a. Funding for amicus briefs will be carefully considered. The review council will exercise prudence in determining the amount of the award to facilitate the strategic disbursements of limited resources; however, funding for amicus briefs accepted for filing by the courts shall not be expected to exceed:
 1. \$15,000.00 for the U.S. Supreme Court and the European Court of Human Rights;
 2. \$10,000.00 for other federal appellate and international courts;
 3. \$10,000.00 for state supreme courts (or lower courts if the factors in section I.A.2.d. or I.A.2.e. apply).
- b. In extraordinary circumstances, such as where the tribunal has granted the amicus party to the right to participate in oral argument, Alliance Defending Freedom will consider requests for additional funding.

C. PAYMENT OF FUNDS FOR INDIRECT LEGAL ADVOCACY MATTERS

1. Funding of Projects

- a. A funding request for a project may be submitted at any point in the project, however, funding for the project will be prospective from the date ADF receives the application into its offices.
- b. Funds will be paid either in installments or upon completion of the project and made against invoices supported by appropriate documentation. The funds are to be used for legal work and associated costs only. No ADF funding will be paid or used for:
 1. Time spent preparing or processing the grant application for funds or communication with ADF regarding the funding process or payment process;
 2. Time spent or costs related to media on the matter/project;
 3. Travel time, unless the travel time is spent actively working on the matter/ project. The presumption will be that travel time was not

- spent working unless the invoice clearly indicates what portion, if any, of the travel time is compensable because of work;
 - 4. Any type of fee an entity may charge for its services;
 - 5. Any time spent directly soliciting votes on pending or proposed legislation or electioneering activities; nor,
 - 6. Satisfaction of any court imposed fines, sanctions, costs, fee awards, damages, or similar benefiting the opposing party.
- c. Invoices must be accompanied by a short update on the status of the project provided in a format acceptable to Alliance Defending Freedom.

2. Exception for Legislative / Public Advocacy Work

Payment for grants submitted in accordance with the Legislative Work Public Advocacy Policy set out in section I.B.3. will be made after Alliance Defending Freedom has reviewed the work performed and is satisfied with its legal nature.

D. SCHOLARLY WRITING

1. General Requirements

All funding will be at a pre-set fee consistent with section I.C.1.

2. Payment Schedule:

- a. 25% of the pre-set fee will be disbursed upon the approval of the proposal;
- b. 25% of the pre-set fee will be disbursed upon the receipt of a draft that is determined to be in publishable form and format;
- c. 50% of the pre-set fee will be disbursed upon actual publication of the article or note.

E. MAINTENANCE OF FUNDING ACCOUNTS WITHOUT ACTIVITY IN 12 MONTHS

Matters and projects may be completed prior to the exhaustion of the funds set aside for the matter or project. Funds set aside by ADF whose balance has remained unchanged for a period of 12 consecutive months will be released to support other matters, projects, or strategic goals with written notice to the grantee. Upon receipt of the release notice, the grantee may submit a request to ADF to not release the said funds. The grantee must submit the request within 30 days of the release notice. In the request the grantee should address 1) why the set aside funds were not accessed for 12 consecutive months, 2) assert that the matter remains active or that the funded project is actively proceeding, and 3) confirm that the undistributed funds are necessary to the continued advancement of the matter or project. ADF will then determine whether the funds set aside should be released and advise the grantee. Once funds are released, they are no longer available to the grantee for disbursement.

GUIDING PRINCIPLES

CHRIST-CENTERED

We rely solely upon God's redemptive grace for our existence, our vision, and our sustenance, trusting in His sovereignty as we seek to convey hope to all we serve.

SERVANT-ORIENTED

We are committed to anticipating and meeting the legal needs of those dedicated to preserving religious freedom.

COMMITTED TO VICTORY

We will prayerfully enter every battle expecting to win, while always demonstrating respect toward those who oppose us.

COMMITTED TO EXCELLENCE

We are dedicated to achieving superior quality and exceptional results in defending and advocating for the right of people to freely live out their faith.

COMMITTED TO STEWARDSHIP

We acknowledge that all resources are a gift from God and hold ourselves to the highest standards of accountability to Him and those who support our efforts.



ALLIANCE
DEFENDING
FREEDOM