

## Knight FOI Fund Reimbursement Policies

Knight FOI Fund recipients (“Recipients”) incur no direct liability to NFOIC or its funder, the John S. and James L. Knight Foundation. In no instance does NFOIC seek reimbursement for grants issued for costs, expenses or fees in cases where Recipient does not prevail, or ones in which Recipient does not win reimbursements through court victories or legal settlements.

However, in the aftermath of a legal victory in which costs, expenses or fees have been recovered from settlement agreements or court-ordered awards to prevailing litigants, the following policies may apply:

- Recipients are expected to reimburse the Fund for at least the full value of the grant when they are able to recover those costs as part of the resolution of the case for which grant funding was used.
- NFOIC must consider the Fund's sustainability and the prospects of cost, expense and fee recovery for every Knight FOI Fund grant application. However, the possibility or likelihood need not be a determining factor. Support for meritorious cases may be approved, even when the chances of recovering outlays from the Fund are slim or nonexistent.
- Most Knight FOI Fund (“Fund”) grants **do not** cover attorney fees. In exceptional cases for which attorney fees are part of a Fund award, full reimbursement to the Fund for any attorney fees advanced are required, where permitted, once they are recovered from settlement agreements or court-ordered awards to prevailing litigants.
- Prevailing attorneys and law firms in cases for which Recipients are advanced only court costs and/or expenses, will, to the extent allowed by law, be required by Recipient to pay at least five percent (5%) of any attorney-fee recovery to help sustain the Knight FOI Fund.
  - When the law firm or attorney is not the direct Recipient, NFOIC will require Fund Recipients to sign agreements with their attorneys to secure such payments. NFOIC reserves the right to require documentation of an appropriate agreement prior to issuance of the grant award.
- Where laws, rules or regulations prohibit such agreements or compulsory payments, NFOIC seeks commensurate voluntary donations.
  - Recipients are required to make this expectation known to their attorneys, but have no responsibility or liability for attorneys who decline. The manner of communication is at the discretion of the grant Recipient. However, NFOIC may ask, at any time, to be informed how it was communicated.
  - In such situations, the communication should include that the donation is voluntary, and that NFOIC has 501(c)(3) tax-exempt status.
- Some of the policies listed above may not apply for Fund grant awards approved prior to July 2, 2012 except as Recipients choose to voluntarily comply with them.

These policies are intended to help NFOIC sustain the Knight FOI Fund as a tool for civic good, and for uses in future meritorious open government cases. For clarification regarding

any of these policies, please contact Lara Dieringer (573-882-4856). The policies regarding reimbursements, donation requests and fee sharing only apply where the Recipient has prevailed and/or where costs, expenses, or fees have been recovered. Send general inquiries to [nfoic@nfoic.org](mailto:nfoic@nfoic.org).

# NFOIC KNIGHT FOI FUND APPLICATION

## INFORMATION ON LITIGATION EFFORT

1. Name of Organization:
  2. Postal Address of Organization:
  3. Organization's Federal Tax Number/EIN:
  4. Name of Official Signatory for Organization:
  5. Phone Number of Contact for Organization:
  6. Email Address of Contact for Organization:
  7. Date of Funding Request:
  8. Amount of Request:
  9. Please give a brief description (100 words or less) of the case.
  10. Please state how the funds will be used.
  11. Please provide, as **Attachment A**, a **Budget**, on official letterhead, with the estimated costs for the case.
    - a. The following statement must be included at the bottom of the invoice: ***"I certify that to the best of my knowledge and belief the data above is correct, and that all outlays will be made in accordance with the grant agreement, and that payment is due and has not been previously requested."***
    - b. An official signature for the organization must be directly under the statement.
- Do not include in response to either Item 12 or Item 13 the value of in-kind support.*
12. Please indicate how much in outside support your organization has raised specifically for the case for which this funding request is being submitted. Identify the source(s) of those funds.
  13. Not counting what you hope to receive from this award, how much additional outside support do you expect your organization will raise for this case during the six-month period immediately following the date of this funding application.
  14. If this is an ongoing case, how was the project funded last year and how will it continue be funded?
  15. Briefly describe, and provide a valuation for, any in-kind support for the case. *Your valuation of in-kind support should not include time or volunteer services provided directly by your board or staff, although in-kind contributions of those individuals, companies, employers or professional organizations should be included.*
  16. How will this case be publicized?
  17. Please list previous funding your organization has received in the last three years from the National Freedom of Information Coalition.
  18. Please provide as attachment(s) in PDF any supporting documentation, including pleadings, initial complaints, newspaper stories or any other memoranda related to the litigation.

19. **All funds received must be used strictly in accordance with the proposal and budget submitted to the NFOIC. Any funds that are not expended must be returned to the NFOIC.**
20. **All recipients of funds from the NFOIC must report at specific times on the project.**
21. If project funding is approved, you will receive a NFOIC Knight FOI Fund Award Letter, which must be fully executed prior to payment being issued.

\_\_\_\_\_  
*Official Signature for Organization*

\_\_\_\_\_  
Date

**Please email your completed, signed NFOIC Knight FOI Fund Application to Lara Dieringer at [ldieringer@nfoic.org](mailto:ldieringer@nfoic.org)**