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Description of document:	Listing of Legal Services Corporation (LSC) External Opinions (i.e. Advisory Opinions), 1976-2011
Requested date:	2012
Released date:	16-July-2012
Posted date:	22-October-2012
Source of document:	Acting FOIA Officer Office of Legal Affairs Legal Services Corporation 3333 K St NW Washington, DC 20007 Fax: (202) 337-6519 Email: <a href="mailto:FOIA@lsc.gov">FOIA@lsc.gov</a>

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July 16, 2012

**Via Electronic and U.S. Mail**

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RE: **Freedom of Information Act Request  
Reference Number 2012-18**

Thank you for your request for records you believe to be in the possession of the Legal Services Corporation (hereinafter "LSC" or "Corporation"), made pursuant to the Freedom of Information Act (hereinafter "FOIA").

Specifically, you requested:

1. A copy of the listing of External Opinions (i.e. Advisory Opinions) between 1975 and 1996.

The Office of Legal Affairs, also known as the Office of General Counsel, maintains a set of indices that lists these opinions. The indices are enclosed. These were prepared for internal reference and not for use by the public. Each carries the following research note.

*Research note: This document was prepared for internal reference only by OLA staff familiar with the documents indexed. The entries may be incomplete or not clearly intelligible to others. Some opinions are no longer valid due to changes in the applicable laws, regulations, or other authorities. Some opinions may have been superseded by subsequent opinions or by policy directives. The index is not a substitute for reviewing the actual opinions.*

The Freedom of Information Act requires organizations to absorb the cost of the first 2 hours chargeable for response production-related time and to provide the first 100 pages of the response free of charge. The responsive documents enclosed total 145 pages. As a discretionary matter, your request is modest enough, that I have provided the extra 45 pages without a charge to you.

If you wish to appeal this action, you may do so by writing to the President of the Legal Services Corporation within 90 days of the date of this letter. Both your letter and the envelope should be clearly marked "Freedom of Information Act Appeal", and include the assigned FOIA Reference #2012-18. Please send your appeal to Legal Services Corporation, 3333 K Street, N.W., Washington, D.C. 20007. If you do not appeal this action within 90 days, we will consider this matter closed.

Thank you for your interest in Legal Services Corporation. If you have any questions, please contact me at [duhartc@lsc.gov](mailto:duhartc@lsc.gov) or 202-295-1621.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl A. DuHart", written in a cursive style.

Cheryl A. DuHart  
Acting FOIA Officer

# Index of LSC External Opinions--Miscellaneous

By Topic and Date

7/16/2012

All dates are in mm/dd/yr format. January 1, 2002 is 01/01/02

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**Please contact OLA for research assistance.**

Topic	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
<b>Alternative Dispute Resolution (ADR)</b>					
	09/28/93		A response to a request for an opinion on whether the grantee's staff attorneys may participate as mediators in a court-sponsored pilot program involving child custody cases. (Yes).	New Orleans Legal Assistance Corporation	
<b>Appropriations Acts</b>					
	03/06/09	EX-2009-1001	Part 1610.6 exception applies to separately funded civil right to counsel family law program funded through public defender office and providing counsel in cases related to actual or potential criminal cases.	Legal Services New York City	45 CFR 1610.6 §1010(c); 42 U.S.C. § 2996i(c); Pub.L. No. 104-134, §504, 110 Stat. 1321, 1321-53-56 (1996)
	12/31/03; 01/08/04	IN-2003-2014; EX-2004-1001	Letter from OLA to OCE entitled "Attorney-Client Privilege and Access to Recipient Client Names, Problem Codes and Descriptions of Services." A response to a request to reconsider a portion of the OLA January 12, 2000 opinions on LSC access to recipient client information in light of the decision in US v. LSCNY, 249 F.3d 1077 (D.C. Cir. 2001).		
	01/12/00		§ 509(h) (1996) Access to client names, CSR problem codes and retainer agreements. **Released Internal Opinion **Superseded by EX-2004-1001		§ 509(h) (1996) 42 U.S.C. § 2996e(b)(3) 42 U.S.C. § 2996h(d) Pub.L. No. 104-134, §509(h), 110 Stat. 1321, 1321-59 (1996).

Index of External Opinions--LSC Regulations  
Please see the research note on page 1 regarding use of this index.

Topic	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
	09/28/95		House Bill 2076. Scope of the restriction in the appropriations bill for LSC that was recently passed by the House regarding fee-generating cases, specifically (1) whether restriction would preclude program from preparing and disseminating informational or self-help pamphlets; (2) provide advice or brief service, such as attempting to negotiate a settlement with landlord; or (3) refer the client to a member of the private bar or to some other non-LSC recipient.		
<b>Attorney's Fees</b>					
	11/12/99		Whether recipient may provide its time records to former client's new private attorney, where private attorney wishes to use the time records in order to make a claim for attorneys fees on behalf of the client--Yes, under circumstances described the recipient may provide its time records to client's attorney.		Part 1642 § 1642.3 § 1642.4
<b>Audits</b>					
	01/13/03	EX-2003-1001	Transfer, subgrant and PAI questions involving technology grants		§ 1610; § 1610.7
<b>Drug-Related Cases</b>					
	02/25/94		Whether LSC regulations would preclude recipient from representing a client who has been threatened with eviction from public housing project because she was arrested for having illegally sold drugs.		
<b>Group Eligibility</b>					
	12/03/99		I. Guidance on how to determine eligibility for farmers and whether a recipient may take into account the costs of running a farm; II. Whether recipient must determine citizenship for group clients pursuant to the Corporation's rule on alien eligibility, Part 1626.		§ 1611 § 1611.3(d) § 1611.4 § 1611.5(b)(1) § 1611.5(b)(1)(C) § 1611.5(b)(2) § 1611.5(b)(2)(D) § 1611.5(b)(3)(A) § 1611.5(b)(3)(B) § 1611.5(c) § 1611.6(d) § 1626
<b>Guardianship/Conservator Questions</b>					

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Topic	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
	04/28/93		<p>I. Whether recipient determines income eligibility based on income of alleged incompetent or do they look to the income of the person contacting them, which is normally a relative seeking to be appointed guardian or conservator for a family member;</p> <p>II. Whether recipient is allowed to provide services for an elected official whose duties include acting as guardian/conservator for persons who do not have family members to serve in that capacity;</p> <p>III. Whether recipient can provide services in any case in which the alleged incompetent does not desire a guardian or conservator.</p>		§ 1620
<b>Property</b>					
	12/22/00		Disposal of property with no monetary value.		
<b>Retainer Agreements</b>					
	11/02/93 (Montana)		Suggestions for revision of retainer agreement w/Model Client Retainer Agreement attached.	Montana Legal Services Association	
	11/02/93 (Cook)		Approval of recipient's revised retainer agreement.	Cook County Legal Assistance Foundation	§ 1611
	10/25/93		Response to request for approval of retainer agreement.	El Paso Legal Assistance Society	§ 1609.7 § 1611.5(c) § 1611.8(a) § 1611.9 § 1612.5(e)(3) § 1621.3
	10/07/93		Response to request to revise client representation agreement.	Ohio State Legal Services Association	
	09/14/93		Response to request for approval of retainer agreement.	Pueblo County Legal Services	§ 1612.5(e)(3)

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Please see the research note on page 1 regarding use of this index.

Topic	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
	09/01/93		Review of recipient's client retainer agreement---discussion of minimum requirements.	Ozark Legal Services	§ 1609.7 § 1611.5(c) § 1611.7(a) § 1611.8(a) § 1611.9 § 1612.5(e)(3) § 1621.3 § 1626.5 § 1625.5(a)
	08/31/93 (Ohio)		Response to request to revise client representation agreement.	Ohio State Legal Services Association	§ 1006(b)(3) 42 U.S.C. § 2996e(b)(3) § 1609.7 § 1611.8(a) § 1621.3
	08/31/93 (Northwest)		Revised retainer agreements.	Northwest Florida Legal Services	§ 1609.7 § 1611.8(a) § 1621.3
	07/29/93 (Withlacoochee)		Response to request for approval of client representation agreement.	Withlacoochee Area Legal Services	§ 1611.8(a) § 1621.3
	07/29/93 (Iowa)		Response to recipient's request for approval to revise its Volunteer Lawyer's Project Retainer Agreement.	Legal Services Corporation of Iowa	§ 1007(b)(1) § 1609.3 § 1609.4(d) § 1609.7 § 1611.8(a) § 1621.3
	07/22/93		Response to request for approval of recipient's retainer agreement that was developed for use when recipient represents organizations involved in the provision or development of low-income housing.	Puget Sound Legal Assistance Foundation	
<b>Subgrants</b>					
	03/14/01	EX-2001-1004	Whether recipient may release subgrant to another program, where program had been operating for several years without maintaining current corporate registration status with applicable Secretary of State, but has now been restored to position of good standing as a registered active non-profit domestic corporation. (Yes)		
<b>Other</b>					

Index of External Opinions--LSC Regulations  
*Please see the research note on page 1 regarding use of this index.*

Topic	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
Conflict of Interest	01/21/03	EX-2003-1002	As there are no provisions in LSC Act or regs which impose specific conflict of interest standards, nor even require grantees to have conflict of interest standards, question of whether a conflict exists where PAI coordinator is spouse of PAI attorney is a matter committed to the discretion of the grantee.		
	07/09/99		Memorandum from OMB to Vice President of Administration entitled "Statutory 'Sunset' on Reports to Congress." It is a response to a request of LSC's response regarding Pub. L. No. 104-66, Section 3003 (Termination of Reporting Requirements).		





# Index of LSC External Opinions--Regulations

By Section and Date

7/16/2012

## PARTS 1600 – 1610

**SEE NEXT INDEX FOR PARTS 1611 – END.**

All dates are in mm/dd/yr format. January 1, 2002 is 01/01/02

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
<b>Part 1600</b>			<b>Definitions</b>		
§1600	11/25/09	AO-2009-1007	Incubator Program Attorneys as Staff Attorneys		§1614
§ 1600.1	10/16/06	EX-2006-1007	Whether a recipient may hire a staff attorney who already holds elective office consistent with 1608. (Yes.)  Whether the staff attorney, once hired, may run for reelection. (Yes, if nonpartisan office; no, if partisan office.)		§1006e(2) §1002(7) 45 C.F.R. §1608.5(c)
§ 1600.1	03/07/03	EX-2003-1004	Whether 1608 prohibits a recipient staff attorney from running for a town council position in a partisan political campaign. The opinion concluded that because more than 50% of the attorney's professional income came from his position with the recipient, he was prohibited from running for the position. This opinion is significant in that it overrules 10 previous opinions on this subject and acknowledges the past disparity in our interpretation of opinions on this subject.		42 U.S.C. 2996a(7) 42 U.S.C. 2996e(e)(2) 45 C.F.R. § 1608.5(c)
§ 1600.1	02/15/00		Whether a recipient staff attorney, serving as guardian ad litem, must complete citizen attestation forms for these cases. The conclusion states that if the guardian ad litem is providing legal assistance, a citizen attestation form must be completed by the parent or legal guardian of the child.		42 U.S.C. 2996a(7). 45 C.F.R. § 1608.1 § 1608.4(a) § 1608.5(c)

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1600	02/28/92		Whether recipient may permit staff attorney to take an unpaid leave of absence to pursue a district judge position. LSC has consistently taken the position that a staff attorney at an LSC program must resign the staff attorney position in order to run for a judicial position that is an elective partisan position.  I. Whether program attorney can be candidate for partisan political office (No, attorney considered to be "staff attorney"); II. When does someone become candidate for partisan political elective office (Any overt action in furtherance of candidacy for elective public office is technically violation of § 1608.5(c)).		§ 1002(6) § 1002(7) § 1006(a)(1)(A) § 1006(d)(5) § 1006(e)(2) § 1007(a)(8) § 1007(c) § 1007(g) § 1010(c) 42 U.S.C. § 2996a 42 U.S.C. § 2996a(7) 42 U.S.C. § 2996e(e)(2) 42 U.S.C. § 2996f(g) 45 C.F.R. Part 1600 45 C.F.R. § 1608.5 45 C.F.R. § 1608.5(c) 45 C.F.R. § 1608.6(b) 45 C.F.R. § 1618.4(c)
§ 1600	03/27/90		I. Whether attorney employed by recipient program is "staff attorney"; II. If "yes", whether the attorney may be candidate in uncontested democratic primary for state judgeship; III. Whether Hatch Act applies to attorney employees paid with Title III funds under the Older American Act (Stark County Legal Aid Society).  Partially overruled by 2003-1004.		§ 1006e(2) 42 U.S.C. § 2996e(2) 45 C.F.R. § 1608(5)(c)
§ 1600.1	04/30/86		I. Whether attorney, who was employed by recipient on part-time basis, then became staff attorney, then again became part-time attorney and has become staff attorney again, is entitled to status of newly-hired attorney, thus able to close cases from previous law practice; II. Whether staff member may use post office box address of recipient as her address in letter expressing political opinions to public official (No).		45 C.F.R. § 1601.1 45 C.F.R. § 1608.4(a)
§ 1600	12/13/78		Propriety of including indemnity clause in by-laws.		42 U.S.C. §§ 2996-2996l

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
<b>Part 1601</b>			<b>[Reserved]</b>		
§ 1601.1	04/30/86		I. Whether attorney, who was employed by recipient on part-time basis, then became staff attorney, then again became part-time attorney and has become staff attorney again, is entitled to status of newly-hired attorney, thus able to close cases from previous law practice; II. Whether staff member may use post office box address of recipient as her address in letter expressing political opinions to public official (No).		45 C.F.R. § 1608.4(a)
§ 1601.12	01/15/79		I. Under what circumstances must attorney board member report to the bar an ethical violation revealed during grievance procedure? II. When should recipient program inform insurance carrier of possible malpractice claim? (question of local law) III. How do you determine whether there has been malpractice? (question of state law) IV. What is program's obligation to client if program concludes there's been malpractice? V. What is the relevance of 45 C.F.R. § 1601.12 to the grievance procedure? VI. May grievance committee consider questions of professional judgment?		
§ 1601	12/13/78		Propriety of including indemnity clause in by-laws.		42 U.S.C. §§ 2996-2996l
<b>Part 1602</b>			<b>Procedures Under the FOIA</b>		
§ 1602.11	11/17/99		LSC response to appeal of denial of FOIA request.		5 U.S.C. § 552(a)(6)(A)(i) 5 U.S.C. § 552(a)(6)C(i) 42 U.S.C. § 2996 45 C.F.R. § 1602.2 45 C.F.R. § 1602.3 45 C.F.R. § 1602.12(c)
§ 1602.9(a)(5)	02/05/97		Response to appeal of partial denial for information made pursuant to FOIA.		5 U.S.C. § 552 5 U.S.C. § 552(a)(4) 5 U.S.C. § 552(b)(6)
§ 1602	12/30/95		FOIA request		

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1602	11/15/91		FOIA appeal – pages withheld and/or redacted are protected from disclosure.		5 U.S.C. § 301 5 U.S.C. § 552 5 U.S.C. § 552a 5 U.S.C. § 552a(4) 5 U.S.C. § 552a(a)(5) 5 U.S.C. § 552b 5 U.S.C. § 552b(5) 5 U.S.C. § 552b(7) 5 U.S.C. § 552b(7)(A) 31 U.S.C. § 9101 <u>et seq.</u> 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996d(g)
§ 1602.9(a)(5)	04/20/88		Whether program may withhold information concerning salaries of program employees from local bar association under FOIA.		5 U.S.C. § 552 <u>et seq.</u> 45 C.F.R. § 1619.2 45 C.F.R. § 1619.3
§ 1602	08/06/79		Whether legal services programs funded by LSC are subject to FOIA (No).		§ 1005(g) 5 U.S.C. § 552 42 U.S.C. § 2996d(g) 45 C.F.R. Part 1619 45 C.F.R. § 1619.2
<b>Part 1603</b>			<b>State Advisory Councils</b>		
§ 1603.2(b)	10/05/76		Whether incompetency in rendition of professional legal services constitutes violation of LSC Act (No).		
§ 1603	09/20/76		Appropriateness of reimbursing, with LSC funds, persons attending Foundation advisory councils.		§ 1608
<b>Part 1604</b>			<b>Outside Practice of Law</b>		
§ 1604.2(b) § 1604.3(b)	06/10/05	EX-2005-1004	Whether a full-time attorney employed by PRLS who performed civil law notarial services for private persons has violated the outside practice of law requirements of Part 1604? (Yes)		§1007(a)(4) 42 U.S.C. §2996f(a)(4) 45 C.F.R. §1618.4(c)
§ 1604.2	09/16/03	EX-2003-1013	Whether attorney participation on own time with no use of recipient funds in Commission to compile labor laws at request of legislator violates 1604? (No.)		45 C.F.R. Part 1612

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1604.2 § 1604.2(b) § 1604.3 § 1604.4(a)	07/23/03	EX-2003-1012	F/T attorney who represents person in criminal proceeding w/o permission of program has violated 1604. (Question rec'd as 1618 consultation.)		Part 1618
§ 1604	02/10/03	EX-2003-1003	Does participation of staff attorney of recipient in court run mediation program violate 1604 prohibition on outside practice of law?		
§ 1604	03/21/02		Inability of State Court Judge to Overrule Executive Director's Determination Regarding Outside Practice of Law and Circumvent LSC's Regulations Related Thereto.		42 U.S.C. §2996f(a)(4)
§ 1604 § 1611 § 1620.4	01/25/02	EX-2002-1002	<ol style="list-style-type: none"> <li>1. Can LSC-funded staff, during the regular course of employment, assist reservists with wills and power of attorney documents, regardless of income, under some 'emergency' exception?</li> <li>2. If LSC-funded staff volunteer during their personal time to prepare wills and power of attorney documents for individuals who are not income eligible, can LSC-funded equipment and facilities be used to prepare these documents?</li> <li>3. Can a program Board of Directors amend its eligibility guidelines to raise the eligibility threshold from 125% of poverty to 187.5% of poverty, limiting the increased threshold to reservists who are faced with being called up for active duty?</li> </ol>		
§ 1604.2 § 1604.2(b) § 1604.3 § 1604.4(a)	11/06/00		<p>Do either of the following activities violate the prohibition on outside practice of law?</p> <ol style="list-style-type: none"> <li>1) Continued representation of a former private client for more than 3 years after the beginning of the attorney's full time employment with recipient (Ordinarily, yes, this is a violation.)</li> <li>2) Services provided to a private law firm relating solely to factual and legal matters involved in the law firm's representation of a single client (Yes, this is a violation.)</li> </ol>		§ 1618.4(c)
§ 1604.2	05/16/00		Application of LSC regulations on outside practice of law to full-time staff attorney with program who wishes to provide some assistance to internet-based commercial legal assistance service (Under the facts described, proposed activity considered consulting, thus attorney may accept proposed assignment).		§ 1007(a)(4)
§ 1604.3 § 1604.4 § 1604.5	05/05/00		Effect of LSC regulations regarding outside practice of law on status of recently departed staff attorney.		§ 1007(a)(4)

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1604.5	02/23/00		Clarification of Outside Practice of Law regulation, 45 C.F.R. Part 1604---whether a fulltime recipient attorney can engage in uncompensated legal work preparing Miller income trusts for clients of a separate disability rights program (Yes).		42 U.S.C. § 2996f(a)(4)
§ 1604.2(a) § 1604.2(b) § 1604.3 § 1604.4(a) § 1604.4(b) § 1604.5(a) § 1604.5(b) § 1604.5(c)	01/27/00		Whether 45 C.F.R. 1614.1(e) is implicated when former legal services staff attorney participates in volunteer lawyers program where LSC funds are used to screen and refer clients for pro bono representation. (Opinion missing).		45 C.F.R. § 1600.1 45 C.F.R. § 1614.1(e)
§ 1604.2(a) § 1604.2(b) § 1604.3 § 1604.4 § 1604.5	06/18/99		Whether staff member's potential employment constitutes outside practice of law or falls under exception of "evaluations."		42 U.S.C. 2996f(a)(4)(A)
§ 1604.2	01/25/99		Whether full-time staff attorney permitted to work for outside attorney in order to supplement her income (No).		§ 1007(a) 42 U.S.C. § 2996f(a)(4)
§ 1604.2(b)	01/08/99		I. Whether attorney carrying out the duties of "Commissioner" is engaged in outside practice of law; II. Whether LSC regulations require a legal services attorney to remit any compensation earned while serving as commissioner.		42 U.S.C. § 2996(2)
§ 1604.1 § 1604.2(a) § 1604.2(b) § 1604.3	04/14/98		Whether staff attorney may accept appointment as compensated court appointed guardian ad litem.		
§ 1604.2(a) § 1604.2(b)	07/29/97		Whether recipient attorneys may claim or collect and retain attorney's fees for cases they engage in on their own time outside of their work for recipient.		§ 1007(a)(4) 42 U.S.C. § 2996f(a)(4) 45 C.F.R. Part 1610 45 C.F.R. § 1610.7 45 C.F.R. § 1610.8 45 C.F.R. Part 1642 45 C.F.R. § 1642.3 45 C.F.R. § 1642.4 45 C.F.R. § 1642.4(a)
§ 1604.1 § 1604.2(a)	09/02/94		I. Whether attorney subject to outside practice of law prohibitions; II. Meaning of term "consulting."		§ 1007(a)(4) 42 U.S.C. § 2996f(a)(4)

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§ 1604.2 § 1604.4 § 1604.4(a) § 1604.4(b) § 1604.5	01/05/93		Whether LSC regulations require that a staff attorney who represented a client in uncompensated outside practice of law and was awarded attorneys' fees, remit fees to program.		§ 1007(a)(4) 42 U.S.C. § 2996f(a)(4)
§ 1604.2 § 1604.2(b) § 1604.4 § 1604.5	10/28/92 (Stick, R.)		Whether staff attorney may serve as member of the U.S. Army Reserve in the JAG Corps.		§ 1002(7) 5 U.S.C. § 102 37 U.S.C. § 101(24) 37 U.S.C. § 206 5 C.F.R. § 2635.103 45 C.F.R. Part 1600.
§ 1604.2 § 1604.2(b) § 1604.4 § 1604.5	10/28/92 (Crocker, S.)		Whether staff attorney may serve as member of National Guard in the JAG Corps.		§ 1002(7) 10 U.S.C. § 802 32 U.S.C. § 104 32 U.S.C. § 109 32 U.S.C. § 325 37 U.S.C. § 101(24) 37 U.S.C. § 206 42 U.S.C. § 2996a(7)
§ 1604.2(b)	02/14/92		I. Whether attorney's authoring and marketing of computer program for use by attorneys in representing persons with social security claims would violate LSC prohibition on outside practice of law by staff attorney (No); II. Whether it would violate LSC regulations for attorney to sell resulting computer program to LSC recipients.		45 C.F.R. Part 1630 45 C.F.R. § 1630.4(b)
§ 1604.3 § 1604.4 § 1604.5	12/24/91		Outside practice of law – prior notice and approval required before employee may engage in outside practice of law.		§ 1006(b)(2) § 1007(a)(4) § 1011 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996f(a)(4) 42 U.S.C. § 2996j 45 C.F.R. Part 1618 45 C.F.R. § 1618.4(b) 45 C.F.R. § 1618.4(c)



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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1604.3 § 1604.4 § 1604.5 § 1604.5(b)	12/20/91		Outside practice of law – program's staff attorney undertook uncompensated representation of fellow employee without notifying program or seeking approval.		§ 1006(b)(2) § 1007(a)(4) § 1011 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996f(a)(4) 42 U.S.C. § 2996j 45 C.F.R. Part 1618 45 C.F.R. § 1618.4(b) 45 C.F.R. § 1618.4(c)
§ 1604	11/26/91		Whether members of program's board of directors can be paid out-of-pocket expenses by program for their participation in program's sponsored pro bono cases.		§ 1007(c) 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996f(c) 45 C.F.R. § 1607.6
§ 1604.2(b)	09/29/89		Whether program attorney can serve as supervising attorney (overseeing law students engaged under limited practice rule) in local law school clinical programs (Yes).		
§ 1604.3 § 1604.4	06/15/89		Propriety of staff attorney taking case with her when she ceases employment, where case involved attorney's being appointed guardian ad litem for minor child.		§ 1006(b)(3) 42 U.S.C. § 2996e(b)(3) 42 U.S.C. § 2996f(a)(4) 42 U.S.C. § 2996f(a)(10)
§ 1604	05/23/89		Monitoring activities – access to personnel files of recipient employees and LSC's authority for collecting information on unionization in legal services programs.		§ 1006(b)(2) § 1007(a)(1) § 1007(a)(3) § 1007(a)(4) § 1007(a)(8) 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996f(a) 42 U.S.C. § 2996f(a)(1) 42 U.S.C. § 2996f(a)(3) 42 U.S.C. § 2996f(a)(4) 45 C.F.R. Part 1616 45 C.F.R. Part 1618

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§ 1604.4 § 1604.4(b) § 1604.5	05/26/87		Opinion concerning state court judge's orders appointing recipient's program attorneys to various cases.		§ 1006(d)(6) 42 U.S.C. § 2996f(a)(2)(C) 45 C.F.R. Part 1605 45 C.F.R. § 1605.3 45 C.F.R. Part 1609 45 C.F.R. § 1609.4 45 C.F.R. § 1611.3(a) 45 C.F.R. Part 1620 45 C.F.R. § 1620.2(a)
§ 1604	05/02/85		Whether program can amend its by-laws to provide for indemnification by program for any judgment assessed against either a board member or employee for damages arising from an act or omission by such individual while acting within the scope of his or her employment.		42 U.S.C. § 2996
§ 1604.2(a) § 1604.3 § 1604.4	04/29/85		Letter regarding computer software package developed for program's office by it's executive director.		§ 1006(e)(2) § 1007(a)(4)
§ 1006(e)(2) § 1604 § 1604.2(a) § 1604.3 § 1604.4	02/21/85		Whether program may hire part-time attorney to help ease overload (Yes) (Anishinabe Legal Services).		§ 1007(a)(4)
§ 1604	09/11/84		Appropriateness of hiring local private attorney to cure program's temporary work overload.		
§ 1604.3(a)	06/08/84		I. Whether the staff of civil unit in county jail may provide library assistance to inmates who wish to use the library to research criminal issues or otherwise prepare for criminal proceeding; II. Whether program may provide legal assistance for purpose of petitioning court for expungement of criminal records.		§ 1007(b)(2) 45 C.F.R. Part 1620
§ 1604.3(a)	06/02/81		Concerning the prohibition of compensation outside practice of law by legal services attorneys; according to the Section 1604.3(a) definition of attorney, a person who is employed part time by a program is not prohibited from the compensated outside practice of law.		

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1604.3 § 1604.5(c)	11/25/80		ACLU considered to be "community or charitable group" within meaning of 45 C.F.R. § 1604.5(c).		
§ 1604.2 § 1604.3 § 1604.5	11/05/80		Conflict of interest – one legal services program suing another on behalf of 2 former staff attorneys (No conflict exists).		42 U.S.C. 2996f(a)(4)
§ 1604.2 § 1604.3 § 1604.4	09/09/80		Whether staff attorneys who represent, by appointment, indigent criminal defendants can keep the proceeds if they perform work on their own time.		42 U.S.C. § 2996f(b)(2) 45 C.F.R. Part 1613
§ 1604.2(b)	04/15/80		Whether staff attorney's acting as consultant for private attorneys would constitute a violation of § 1604.2(b).		
§ 1604.2(b)	03/24/80		Propriety of legal services attorneys serving as members of arbitration panels and receiving compensation for such services.		
§ 1604.2(b)	01/14/80		Whether a program employee could be permitted to teach a course during work hours and if so, would employee be entitled to keep money earned (Yes).		§ 1007(a)(4) 42 U.S.C. § 2996f(a)(4)
§ 1604.4 § 1604.5	10/25/79		Whether attorney representing family member or friend pursuant to 1604.5 must decline to accept statutory attorneys' fees awarded in addition to the award to client.		42 U.S.C. § 2996f(a)(4)
§ 1604.4	06/12/79		Whether program may render tax research and advice to a limited partnership in exchange for a contribution to the partnership on program's behalf (No).		§ 1007(a)(4) 42 U.S.C. § 2996f(a)(4)
§ 1604.4 § 1604.5	04/10/79		Whether appointment to represent defendant in wrongful death case is consistent with the LSC Act (No). (Page 1 of opinion is missing).		§ 1006(d)(6) 42 U.S.C. § 2996e(d)(6) 42 U.S.C. § 2996f(a)(2)(C) 45 C.F.R. § 1620
§ 1604.3	03/14/79 (Montez & Silva)		Whether program can decline to permit its attorneys to accept court appointments in criminal cases.		45 C.F.R. Part 1613 45 C.F.R. § 1613.4
§ 1604.3 § 1604.5	03/14/79 (Jamin)		Whether program can represent ineligible brother of staff member.		
§ 1604	01/30/79		Whether program attorney may accept position as City Judge, in which he would preside in both civil and criminal matters (Yes, as long as attorney performs duties as judge on own time).		
§ 1604.2(b) § 1604.3 § 1604.4 § 1604.5	10/30/78		Whether LSC's regulations permit program attorney to accept appointment under Texas Rule of Civil Procedure if the client is otherwise financially ineligible for program's services.		

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§ 1604.2(b) § 1604.5(b)	08/31/78		I. Whether program attorney acting properly by representing non-attorney employee in landlord-tenant matter; II. Whether staff attorney can accept appointments to be members of arbitration panels, which are mandatory in state for all civil cases under \$10,000.		
§ 1604.5	04/19/78		I. Definition of "local applicants"; II. Whether attorney can be authorized to handle criminal case for friend, relative or charitable organization; III. Whether program can allow its attorneys to handle criminal cases pursuant to court appointment made under a statute or court rule or practice of equal applicability to all attorneys in jurisdiction.		45 C.F.R. Part 1609 45 C.F.R. § 1613.4 45 C.F.R. § 1613.4(a) 45 C.F.R. § 1613.4(b) 45 C.F.R. § 1613.4(c) 45 C.F.R. Part 1615 45 C.F.R. § 1616.5
§ 1604	12/02/77		Whether it violates LSC Act or regulations when legal services attorney accepts appointment without compensation in certain types of juvenile and family law matters, even though state law provides no compensation for appointed counsel and appointment is made only in cases where the court believes the juvenile or his family is eligible for services.		42 U.S.C. 2996e(d) 45 C.F.R. Part 1620
§ 1604	05/10/76		Whether attorney's activities as bankruptcy trustee violate LSC regulation governing outside practice of law.		§ 1007(a)(4) 42 U.S.C. § 2996f
<b>Part 1605</b>			<b>Appeals on Behalf of Clients</b>		
§ 1605	05/25/78		Appeals and class actions		45 C.F.R. Part 1617
§ 1605	10/05/77		Whether legal services program may direct attorney not to pursue meritorious appeal if it believes that the cost of the appeal outweighs any likely benefit to individual client or client community (Yes).		
§ 1605	05/11/77		Procedure for review of appeals that has been adopted by program's governing body.		§ 1006(b)(3) 45 C.F.R. § 1611.4(b) 45 C.F.R. § 1611.5(b)
§ 1605	05/10/77		Whether the procedure for review of appeals adopted by program is in compliance with Part 1605 of LSC regulations.		

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§ 1605	03/16/77		Complaint that program has failed to adopt procedures designed to discourage frivolous appeals (Program's procedures adequate – it is not necessary to require staff vote on every proposed appeal).		§ 1006(b)(3)
<b>Part 1606</b>			<b>Termination of Financial Assistance</b>		
§ 1606.2(a) § 1606.16	09/19/83		Regulations governing termination of financial assistance and denial of refunding.		
§ 1606.5	02/01/83		Question concerning amount of funding received by program.		
§ 1606	03/10/81		Response to letter raising questions about LSC's response to request for written interpretation of § 1618.4(b).		§ 1011 45 C.F.R. § 1618.4(b)
§ 1606.8(a)	09/04/80		I. Opinion on the meaning of "independent hearing examiner"; II. Whether aggrieved employee should bear any costs for independent hearing examiner (No).		§ 1011 42 U.S.C. § 2996j 45 C.F.R. Part 1618
§ 1606	07/02/80		Whether lawyer-client relationship exists between program's clients and LSC (No).		42 U.S.C. § 2996e(c)(1) 42 U.S.C. § 2996f(a)(10)
§ 1606	01/29/79		Award of 3-month grant with special conditions does not constitute a "preliminary determination."		
§ 1606.2(f) § 1606.5 § 1606.6	02/27/78		Request for administrative review of LSC's decision to award program 3-month grant at current level of funding (Review denied).		§ 1011 42 U.S.C. § 2996f(a)(9) 42 U.S.C. § 2996j
§ 1606.16	12/28/76		Whether LSC regulations permit legal services program to use LSC funds to pay counsel to represent it in seeking judicial review of a final determination by the LSC president (Yes).		
<b>Part 1607</b>			<b>Governing Bodies</b>		
§ 1607.5(b) § 1607.6(b)(1)	07/02/07		Waiver request to permit Board Members' partners & associates to participate in compensated PAI program. (Waiver granted.)	Wisconsin Judicare.	
§1607.3(c)	11/02/06	EX-2006-1008	Recipient must apply same financial eligibility standards to potential client member of Board as it would apply to applicant for LSC-funded legal assistance.		45 C.F.R. Part 1611
§ 1607.5(b) § 1607.6(b)(1)	10/03/06		Waiver request to permit Board Members' partners & associates to participate in compensated PAI program. (Waiver granted.)		
§ 1607.3	01/06/06	EX-2006-1001	Whether "eligible client" board members can have income/assets over the Part 1611 limits?		§1007(c); 42 U.S.C. §2996f(c)

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§ 1607.3(h)	10/08/02	EX-2002-1010	Propriety of Judicial Custody Master Serving on NLS Board of Directors		42 U.S.C. § 2996(5) 42 U.S.C. § 2996f(a)(1)
§ 1607 § 1611	07/11/01		Whether a senior who is represented with OAA funds is an "eligible client member" within the meaning of 45 C.F.R. 1607, in light of the fact that recipients of OAA funds are not permitted to use a means test in determining client eligibility.		
§ 1607	03/14/01	EX-2001-1004	Whether a grantee may release a subgrant to a legal services program acquired by the grantee once that legal services program has been restored to a position of good standing in terms of its corporate registration status with the state. Yes, as long as the subgrant is used solely for the provision of permissible legal services.	Legal Services Organization of Indiana (LSOI)	
§ 1607	02/07/01		Wherein LSC accepted the planned synthesis of three merging programs' governing bodies.		
§ 1607.3	01/29/01		Whether the members of a new consolidated board resulting from the merger of three recipient programs need to be re-approved/re-appointed by the appointing bar associations, or if their appointments to the boards of the merging entities carry over.		
§ 1607	01/17/01		Wherein LSC granted a 3-year waiver of the Board composition requirements of 45 C. F. R. Part 1607, to permit DPLS to direct that five of the fifteen attorney members of its board be selected by organizations that are not state, county or municipal bar associations in order to ensure that the corporation is able to maintain substantial representation of Native American attorneys on its Board.		
§ 1607.7(b)(2)	09/26/00		Request for waiver under 45 C.F.R. Part 1607, to permit employee of city governmental agency to serve on Board of Directors granted where employee was nominated by local bar association, the program has never had an adversary relationship with the city, and appointee is a former employee of the program, thus is very familiar with program's services.		45 C.F.R. § 1606.3(c) 45 C.F.R. § 1606.3(e)
§ 1607	07/18/00		Wherein LSC was unable to answer the grantee's questions and concerns about the closed nature of the grantee board's executive committee meetings concerning an upcoming merger of a legal aid program (TLAS) Because they are not addressed in the LSC Act and Regulations.	Tidewater Legal Aid Society	

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§ 1607.5(b) § 1607.6 § 1607.6(b)(1)	02/07/00		Grant of waiver to program so that it may adopt policies to permit Private Bar Involvement ("PBI") compensation for the partners and associate's of program's attorney board members.		
§ 1607.3(h)(3) § 1607.5 § 1607.5(a) § 1607.5(b) § 1607.6	02/01/00		Guidance on restrictions regarding staff or board members of subgrantee organizations serving on the boards of other organizations.		45 C.F.R. Part 1610 45 C.F.R. § 1610.2 45 C.F.R. § 1610.7(c) 45 C.F.R. § 1610.8 45 C.F.R. § 1634.2
§ 1607.2(c) § 1607.3(a) § 1607.3(c)	01/11/00		Whether the LSC Act or regulations require eligible client board members of a recipient to reside in recipient's service area--No, the LSC Act and regulations require the governing body of a recipient to reasonably reflect the interests of eligible clients in the recipient's service area, but not that eligible client board members live in that area.		42 U.S.C. § 2996a(3) 42 U.S.C. § 2996f(c)
§ 1607(b)(1) § 1607.6(b) § 1607.6(c)	07/19/99		Request for waiver of governing body composition required under 45 C.F.R. Part 1607 (Granted).		§ 1007(c)
§ 1607	12/01/97		Wherein LSC granted a 3-year renewal waiver of the Board composition requirements of 45 C. F. R. Part 1607, to permit DPLS to direct that five of the fifteen attorney members of its board be selected by organizations that are not state, county or municipal bar associations in order to ensure that the corporation is able to maintain substantial representation of Native American attorneys on its Board.		
§ 1607.4(c)	09/23/97		Whether there are any LSC policies, regulations or guidelines that govern the definition of board meeting quorum for LSC recipients.		
§ 1607.2(a) § 1607.6(b) § 1607.6(b)(1)	09/04/97		Whether program, which is applying for a Native American grant from LSC would qualify to apply for a waiver for the appointment of 2 attorney members that reside and practice law in neighboring state and are not licensed to practice in pending grant's service area.		§ 1007(b)(2) § 1007(c) § 1007(h) § 1010(c) 42 U.S.C. § 2996f(c)
§ 1607.3 § 1607.3(c) § 1607.3(e)	05/06/96		Whether a church may be considered an appropriate group for purposes of selecting or designating eligible client members to the governing body of program.		§ 1007(c)
§ 1607.3	12/28/94		Whether attorney may apply for membership on the board of directors of judicare program funded by LSC.		42 U.S.C. § 2996f(c)

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§ 1607.6	10/06/94 (Catalano)		Staff members serving as voting members on personnel committee of program's board of directors.		42 U.S.C. § 2996f(c)
§ 1607.3(e) § 1607.6	10/06/94 (Brehmer)		Selection of client board members – whether the selection of close relatives, albeit by separate organizations, violates the regulation in that diversity of the segments of the low-income population sought to be represented on the board as intended by the regulations may not in fact be achieved.		
§ 1607	02/24/94		Whether program may accept nomination by state bar association of county district attorney to program's board of directors (No, because conflict of interest would exist).		
§ 1607	02/23/94		Whether program may accept nomination by state bar association of county district attorney to program's board of directors (No, because conflict of interest would exist).		
§ 1607.3(e) § 1607.5	11/19/93 (Hart)		Whether 2 named organizations may be considered "appropriate groups" pursuant to 45 C.F.R. § 1607.3(e), which may select the eligible client members of legal services program's board.		
§ 1607.6	11/19/93 (Harris)		Whether referral of fee-generating cases by legal services program to one of its attorney board members violates 45 C.F.R. § 1607.6.		42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996f(c)
§ 1607.6	01/14/93		Propriety of reimbursing board members for expenses associated with the fulfillment of their obligations as board members.		45 C.F.R. § 1630.4(b) 45 C.F.R. § 1630.4(f)
§ 1607.4(a)	12/22/92		Issue of effective notice of meetings of program's board of trustees.		
§ 1607.3(b) § 1607.3(d) § 1607.3(e)	04/15/92		Whether public elected official may serve on program's board of directors as client board member and what authority program has to deny the directorship to such official.		42 U.S.C. § 2996(5) 42 U.S.C. § 2996e(a)(1)(A)(ii) )
§ 1607.3(a) § 1607.3(b) § 1607.3(c) § 1607.6	01/30/92		Guidance regarding re-appointment of board member who recently moved out of state.		
§ 1607.6	11/26/91		Whether members of program's board of directors may be paid out-of-pocket expenses by program for their participation in program-sponsored pro bono cases.		§ 1007(c) 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996f(c)
§ 1607.3(b) § 1607.3(c)	09/09/91		Whether state court judge may serve on LSC recipient's board of directors.		42 U.S.C. § 2996f(c)



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§ 1607.6	07/03/91		Whether program's insurance carrier may contract with the firm of member of program's board of directors to represent program in lawsuit brought by employee.		
§ 1607.6	05/30/91		Whether 45 C.F.R. § 1601.14 prohibits program insurance carrier from contracting with firm of a member of program's board of directors to represent program in discrimination matter brought by a former employee.		45 C.F.R. § 1601.14
§ 1607.2(b)	05/22/91		Applicability of Governing Body Restrictions of LSC Act, regulations and Appropriations Act to the Food Research and Action Center.		§ 1006(a)(1) § 1006(a)(1)(A) § 1006(a)(3) § 1007(c) 42 U.S.C. § 2996a(5) 42 U.S.C. § 2996a(6) 42 U.S.C. § 2996e(a)(1)(A) 42 U.S.C. § 2996f(c) 45 C.F.R. Part 1600
§ 1607.2(a)	03/22/90		Client board member eligibility – whether appointment to program's Board of Directors meets requirements of 45 C.F.R. Part 1607 where the income of board member in question exceeds the 125% poverty guideline.		42 U.S.C. § 2996a(3) 45 C.F.R. § 1611.3(b) 45 C.F.R. § 1611.4
§ 1607.3(e)	01/24/90		Clarification of meaning of term "a variety of appropriate groups" as used in 45 C.F.R. § 1607.3(e).		
§ 1607.3(e)	10/27/89		I. Must an organization appointing a client-eligible board member itself be client-eligible; and II. Does LSC policy require that grantee create and maintain a client trust account if the grantee has never had client funds to handle and does not anticipate handling client funds?		
§ 1607.6	09/22/89		Opinion addressing the permissibility of travel payments to advisory committee members.		45 C.F.R. § 1630.4 45 C.F.R. § 1630.4(a) 45 C.F.R. § 1630.4(b)
§ 1607	08/11/89		Whether program is permitted under applicable LSC regulations to have governing body with fewer than 60% attorney members.		§ 1007(c)

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§ 1607.6	05/02/89		Whether attorney board member must resign from recipient's board if the recipient employs the attorney board member's son as a staff attorney (No).		
§ 1607	03/29/89		Letter regarding Subgrant to Maryland Volunteer Lawyers Service (MVLS).		45 C.F.R. Part 1614 45 C.F.R. Part 1620 45 C.F.R. § 1627.3(e)
§ 1607	03/03/89		Whether it is appropriate to rely on legislative history issued prior to the adoption of the 45 C.F.R.		
§ 1607.6	02/09/89		Compliance with governing body requirements, including McCollum Amendment.		§ 1006(a)(1) § 1006(a)(1)(A) § 1006(a)(3) § 1007(c) 42 U.S.C. § 2996a(3) 42 U.S.C. § 2996a(5) 42 U.S.C. § 2996a(6)
§ 1607.3 § 1607.3(d)	01/18/89 (Chavez)		Meaning of term "when selected" as used in 45 C.F.R. § 1607.3(d), specifically whether a board member's eligibility must be reevaluated at the beginning of each reappointment.		
§ 1607.6	01/18/89 (Schellhammer)		Propriety of attorney board members or their associates participating in judicare programs.		
§ 1607	01/18/89 (Stick)		Whether eligible client board member is required to resign from the board if he no longer meets the eligible client standard of 45 C.F.R. Part 1607.		
§ 1607.6	01/17/89 (Stick)		Request for waiver		§ 1002(6) § 1006(a)(1)(A) 42 U.S.C. § 2996a 42 U.S.C. § 2996e
§ 1607.6	01/17/89 (Scott)		Whether non-voting directors who receive compensation from LSC recipients "serve" on the governing body of program for purposes of § 1607.6.		
§ 1607.6	01/17/89 (Petrillo)		Whether appointment to program's board of spouse of attorney, who serves both on program's judicare panel and participates in its PAI program, constitutes a violation of 45 C.F.R. § 1607.6		
§ 1607.6	10/31/88		Potential prohibitions on the spouses of legal services program staff attorneys serving on the program's governing board.		

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§ 1607.6	07/28/88		Request for reconsideration of LSC's rule that recipient client board members may not receive reimbursement of lost wages.		§ 1006(a) § 1007(c) 42 U.S.C. § 2996e 42 U.S.C. § 2996f(c)
§ 1607.3(a)	05/25/88		Whether program's board of directors must comply with requirement in LSC Refunding Application that a majority of a recipient's governing body vote to approve LSC's refunding application.		§ 1007(c) 42 U.S.C. 2996(f)
§ 1607.6	05/24/88		Whether § 1607.6, which prohibits board members from receiving compensation from the recipient, applies to recently appointed attorney board member of a recipient with which the attorney has specific PAI case contracts pending.		§ 1007(c) 42 U.S.C. § 2996(f)
§ 1607.3(a) § 1607.6	02/29/88		<p>I. Can a director of a recipient file suit on behalf of client and as part of the relief in case request attorneys' fees?</p> <p>II. Can a director of recipient solicit client for the purposes of bringing a lawsuit?</p> <p>III. Can the filing of unnecessary motions and the failure to cooperate in discovery matters be termed "persistent incitement of litigation" within the meaning of that term as contained in the LSC Act?</p> <p>IV. If a lawsuit is brought not only against a client of a recipient, but also against the recipient and its director, can the director continue to represent the client and what is the responsibility of the director of the recipient to LSC?</p> <p>V. Are there any special guidelines for a director of a recipient where it is the director who was acting as attorney of record in lawsuit?</p> <p>VI. If there is reason to suspect that client does not qualify for legal assistance, how can a copy of retainer agreement between a client and recipient be obtained?</p> <p>VII. Describe the role of a director of recipient as it relates to the day-to-day activities of the recipient and activities that would constitute a violation of the rules of LSC, if not covered above.</p> <p>VIII. If information is obtained which reveals that recipient or director of recipient is engaged in all or some of the conduct referred to above, and such conduct is a violation of the rules of LSC, who should that information be revealed to and what action can be expected?</p>		<p>§ 1007(a)(10) § 1007(b)(1) 42 U.S.C. § 2996(a)(5)(A) 42 U.S.C. § 2996f(a)(10) 42 U.S.C. § 2996f(b)(1) 45 C.F.R. Part 1606 45 C.F.R. Part 1609 45 C.F.R. § 1609.4 45 C.F.R. § 1609.5 45 C.F.R. Part 1611 45 C.F.R. § 1619.4(a) 45 C.F.R. Part 1620 45 C.F.R. Part 1623 45 C.F.R. Part 1625</p>

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§ 1607.6	05/26/87		Board member's potential conflict of interest		
§ 1607.4(a)	04/09/87		Insufficient public notice of board meetings		
§ 1607.3 § 1607.3(d) § 1607.3(e)	04/01/87		Application of term "appropriate groups" to client and neighborhood organizations and whether a United Way funded battered women's shelter qualifies as an appropriate group.		§ 1007(c) 42 U.S.C. § 2996f 45 C.F.R. § 1611.5(c)
§ 1607.4(a)	02/27/87		Public notice of board meetings		
§ 1607.3 § 1607.3(b) § 1607.3(d) § 1607.3(f) § 1607.5(b)	01/02/87		Service of non-certified client board member--can a person representing an agency, or any person who has not been certified as being client eligible, hold a seat on the board, and if they hold a seat, are they eligible to vote and hold an office? Finally, can program's bylaws be changed without a vote of the board of directors.		§ 1007(d)
§ 1607.6	10/17/85		Whether it is a violation of 45 C.F.R. § 1607.6 for person to serve on LSC recipient's board of directors while a member of a professional law corporation, 2 of whose members are participating in the recipient's judicare program?		
§ 1607.3(b) § 1607(c)	06/06/85		Authority of state bar to appoint attorney directors to the board of directors of program: I. Whether the state bar retained the unqualified right to make appointments; II. Whether attorneys appointed as directors are required to maintain their residences or offices in county.		
Missing	04/01/85		Attorney board member whose spouse is judicare panel member		
§ 1607	03/25/85		Conflict of interest of attorney board member		
§ 1607	03/13/85		Compensation of board members---Audit Division recommendation that all payments to program's board members other than those for normal travel and out-of-pocket expenses required for fulfillment of board responsibilities, should be discontinued immediately.		
§ 1607.3(c)	02/07/85		Propriety of appointment of attorney board member who represents local housing authority		§ 1007(c) 42 U.S.C. § 2996f(c)
§ 1607.6	08/23/84		Whether client board members can be reimbursed for lost wages due to attendance of advisory board meetings.		

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1607.2(c) § 1607.5 § 1607.5(b)	03/15/84		I. Whether attorneys on the board of subgrantor can serve on the closed panel of the subgrantee. II. Is the answer to I. different if the effect is to exclude women and minority attorneys from either the program board or from the judicare panel?		§ 1007(c)
§ 1607.2(a) § 1607.3(d)	02/02/84		Propriety of local program recipient representing an otherwise eligible client who is also a board member.		
§ 1607.3(f) § 1607.3(h)	01/12/84		Propriety of recipient's board appointing some of its own members.		
§ 1607.3(e)	12/16/83		Whether a recipient board of directors may appoint some or all of its client members from among the appropriate groups pursuant to 45 C.F.R. § 1607.3(e).		§ 1007(c)
§ 1607.3(a) § 1607.7(a)(2)	12/05/83		Whether the LSC Act or regulations prohibit a recipient from providing indefinite terms for local board members		
Missing	11/29/83		Compensation of board members		
§ 1607	09/09/83		Whether a program which has 22-member board of directors is in compliance with the Act and regulations if it has only 13 attorney members.		
§ 1607	02/24/83		Compliance with board membership requirement		
§ 1607.3 § 1607.3(c) § 1607.3(d) § 1607.3(e) § 1607.3(h)	01/03/83		Whether program's method of selecting board members complies with LSC regulations.		
§ 1607.6	04/05/82		Whether staff member on organization which receives grant from Legal Services of Greater Miami may properly sit on LSGMI's board of directors.		§ 1007(c)
§ 1607.6	03/22/82		LSC's policy of prohibiting board members of field programs and their firms from participating in contract or judicare referral panels maintained by the program.		§ 1007(c)
§ 1607.2(c) § 1607.2(e) § 1607.3(b) § 1607.3(c) § 1607.3(e) § 1607.6	06/10/81		Composition of program's board of directors: I. Whether it conflict of interest to have person employed by a state or local government agency on the board of directors; II. Whether a person who is full-time employee of another LSC grantee can serve on board of grantee program; III. Whether a bard member may live outside of the program service area.		42 U.S.C. § 2996(5) 42 U.S.C. § 2996e(A)(ii) 42 U.S.C. § 2996f(a)(1)
§ 1607.3(c) § 1607.3(e)	05/12/81		Program's selection of board members		

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§ 1607.3(a) § 1607.3(c) § 1607.3(e) § 1607.3(g) § 1607.3(h)	04/14/81		I. Selection of lay directors; II. Selection of lay members; III. Vacancies; IV. Waiver of Notice		§ 1007(c)
§ 1607.3(c) § 1607.3(h)	10/27/80		Selection of board members		§ 1007(a)(1) 42 U.S.C. § 2996(5) 42 U.S.C. § 2996(a)(1)(A)(ii) 42 U.S.C. § 2996f(a)(1)
§ 1607	07/14/80		Clarification of viable appointing group		
§ 1607.1 § 1607.3 § 1607.3(a) § 1607.4(b) § 1607.6	05/15/80		I. Propriety of recipient's employee campaigning for person running for a seat on recipient's board of directors; II. Selection of board member as an eligible client and subsequent discovery that board member may not have been eligible client at the time of selection.		42 U.S.C. § 2996f(c) 45 C.F.R. Part 1608 45 C.F.R. § 1608.4 45 C.F.R. § 1608.5 45 C.F.R. § 1608.6
§ 1607.6	10/23/79		Whether it is permissible for members of recipient's board of directors to be covered at their own expense by the program's group policy.		
§ 1607.6	10/18/79		Proposed contract between 2 recipient programs---whether members of one board of directors could receive compensation as members of the judiciary panel.		§ 1007(c)
Missing	10/03/79				
§ 1607.3(a) § 1607.3(b)	07/27/79		Whether an attorney who has vigorously opposed the creation of a legal services program in his area properly may be seated on the program's board of directors.		42 U.S.C. § 2996
§ 1607.3(c) § 1607.3(e) § 1607.3(f) § 1607.3(h)	07/13/79		Board composition---whether program boards may screen nominees or otherwise dictate their own membership.		
§ 1607	07/09/79 (Lawson)		Whether it is proper for program's board to direct the staff to refrain from seeking attorneys' fees in particular case.		45 C.F.R. Part 1609
§ 1607	07/09/79 (Karlin)		No provision of LSC Act or regulations prevents program's adoption of by-law requiring the president of the board of directors to be an attorney one year, and a non-attorney the next.		

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§ 1607.3(c) § 1607.3(e)	06/25/79		I. Whether local welfare department, which has been active supporter of legal services, may appoint members of the program's board of directors; II. Whether groups that appoint eligible client board members must themselves be made up of eligible clients.		42 U.S.C. § 2996(5) 42 U.S.C. § 2996e(1)(A)(ii) 42 U.S.C. § 2996f(a)(1) 45 C.F.R. § 1611.5(c)
§ 1607.4(b)	06/12/79		Allegations of conflicts of interest between recipient's board of directors and potential program clients.		
§ 1607.1 § 1607.3(a) § 1607.3(g) § 1607.4(b) § 1607.6	06/08/79		Questions concerning effect and authority of acting general counsel: I. Whether acting general counsel's letter is an "opinion" of LSC; II. Explanation of basis for opinion that program staff may not select member of its board of director; III. Explanation of basis of conclusion that permitting county bar association to appoint 5 attorney members of program's 14-member board violates the domination requirement of § 1607.3(g).		42 U.S.C. § 2996f(c) 45 C.F.R. Part 1621 45 C.F.R. § 1621.2
§ 1607	05/31/79		Whether program board member must be removed when she is no longer member of group that selected her.		
§ 1607.3(e) § 1607.3(g)	05/22/79		Governing body selection, organizing activities and professional ethics.		42 U.S.C. § 2996f(a)(5) 42 U.S.C. § 2996f(b)(7)
§ 1607	04/18/79		Whether Part 1607 of LSC's regulations requires that 5 (55%) or 6 (66%) members of nine member board be attorneys (6 required to meet 60% requirement).		
§ 1607.3(c) § 1607.3(e)	04/09/79		Whether members of board who are eligible clients must be selected by organizations whose membership is primarily composed of poor persons.		
§ 1607.3 § 1607.3(a) § 1607.3(b) § 1607.3(c) § 1607.3(d) § 1607.3(e) § 1607.3(f) § 1607.3(g)	04/03/79		I. Whether board member properly may request information about the background of nominees to the board; II. Whether program is required to accept any persons nominated by the groups specified by program's by-laws.		45 C.F.R. Part 1621
§ 1607	03/12/79		Compliance of program's by-laws and articles of incorporation.		

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§ 1607.3 § 1607.3(d) § 1607.3(e) § 1607.7(a) § 1607.7(b)	03/09/79		Opinion regarding time deadlines for compliance with Part 1607 of LSC regulations.		
§ 1607.6	03/06/79		Whether an attorney may serve on program's board of directors while members and associates of his law firm serve as contracting attorneys on LSC's Delivery Systems Study Project Panel.		
§ 1607.3(b) § 1607.3(c)	02/23/79		Request for waiver of § 1607.3(c), which requires that attorney board members be "selected from, or designated by appropriate bar association and other groups...."		
§ 1607.4(a)	02/16/79		I. Whether prior public notice requirement pertains to committees of a board; II. Definition of timely and effective prior public notice; III. LSC's position on legal effect of actions taken at meetings held in violation of the regulation.		45 C.F.R. Part 1618
§ 1607.3(d)	02/08/79		Interpretation of 45 C.F.R. § 1607.3(d) that one-third of the governing body shall be, when selected, eligible clients.		
§ 1607.4(a)	01/30/79		I. Whether the participation of outside groups in the selection of board members may be limited to nomination rather than selection; II. Whether program staff may participate in the selection of board members; III. Whether it is proper for the membership of corporation, which consists of the board of governors of state bar association to retain the power to amend program by-laws or articles of incorporation.		
§ 1607.5	01/29/79		LSC's ability to waive requirement that one-third of a program's governing body be eligible clients.		
§ 1607.4(b)	01/26/79		I. Can the board of directors delegate to grievance committee its authority to resolve client grievances? (Yes); II. Can the committee order the executive director to take disciplinary action against an employee? (Yes); III. What is the purpose of the committee, if it does not consider matters of professional judgement?		
§ 1607	01/25/79		Executive committee, which can act in lieu of a legal services program's board, should reflect the composition of the board as a whole, maintaining the proper proportion of attorneys and client representatives.		



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§ 1607.3(f) § 1607.4(b)	01/22/79		Conflict of interest---board member is member of county attorney's office and the program is suing the county.		§ 1006(b)(3) § 1007(c) 42 U.S.C. § 2996e(b)(3) 42 U.S.C. § 2996f(c)
§ 1607	01/10/79		Request that law school graduate, who is not member of the bar, be allowed to serve as representative on the board of legal services program.		42 U.S.C. § 2996f(c)
§ 1607.3(g) § 1607.3(h)	01/05/79		Interpretation of the selection and non-denomination requirements of Part 1607 of LSC's regulations.		
§ 1607.3(g) § 1607.5(b)	12/13/78		Whether the structure of the board of directors of legal aid society complies with Part 1607 of LSC regulations.		
§ 1607	11/15/78		Whether it is appropriate for member of board of directors of legal services program to review individual case file maintained by the program.		42 U.S.C. § 2996e(b)(3)
§ 1607.3(d) § 1607.7 § 1607.7(b)	10/12/78		Request for waiver of § 1607.7's requirement that at least one-third of the board of directors be eligible clients.		§ 1007(c) 42 U.S.C. § 2996f(c)
§ 1607	08/31/78		Propriety of permitting 2 county attorneys to serve on program's board.		42 U.S.C. § 2996e(a)(1)(A)(ii) ) 42 U.S.C. § 2996f(a)(1)
§ 1607	08/14/78		Whether a group which designates board member must itself be eligible for legal assistance (No).		45 C.F.R. § 1611.5(c) 45 C.F.R. § 1611.5(c)(1) 45 C.F.R. § 1611.5(c)(2) 45 C.F.R. § 1611.5(c)(3)
§ 1607	04/14/78		Whether a client member of program's board of directors may receive reimbursement for time spent at priority planning sessions of other board events held on weekends.		
§ 1607.3(c)	03/07/78		Whether a proposed procedure for an independent designation committee to review nominations and designate attorney members of program's board of directors complies with Part 1607 of LSC regulations.		
§ 1607	02/09/78		Clarification of amendment to § 1007(c), concerning composition of board of directors of legal services program.		§ 1007(c)
§ 1607.3(c) § 1607.3(h)	01/08/78		Request for waiver of § 1607.3.		

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§ 1607	12/30/77		It's appropriate to allocate to law students positions on program's board in addition to those held by attorneys and clients, LSC however, cannot allow law students to occupy board positions reserved for attorneys under the LSC Act.		§ 1007(c)
§ 1607.3 § 1607.3(i)	12/19/77		Request for guidance in restructuring program's board of directors.		
§ 1607.3(d)	12/09/77		Whether prospective board member is representative of an association, group or organization of eligible clients within the meaning of § 1607.3(d).		45 C.F.R. § 1611.5(d)
§ 1607.6	11/28/77		Review of decision to deny judicare program a waiver of § 1607.6.		§ 1007(c) 42 U.S.C. § 2996f(c)
§ 1607	11/03/77		Whether program can contract with attorney members of program's board of directors pursuant to the Delivery Systems Study grant.		
§ 1607	11/01/77		Whether LSC views legal services program as a "law firm."		
§ 1607.6	10/20/77		Request for waiver of § 1607.6 so that members of judicare program's board of directors may also receive fees for serving on the judicare panel.		
§ 1607	10/18/77		Clarification of the word "dominate" as used in LSC's regulation § 1607 regarding governing bodies.		
§ 1607.3(a) § 1607.3(d) § 1607.3(h)	10/17/77		Structure of program's board of directors.		
§ 1607.6	10/05/77		It is not a violation of § 1607.6 for program's board of directors to retain lawyer who is an associate in a firm with which a member of the governing body is also associated.		
§ 1607.5 § 1607.6	10/04/77 (Whiting & Wiley)		Request for waiver of § 1607.6, concerning compensation of board members by a recipient.		§ 1007(c)
§ 1607	10/04/77 (Gilbert)		Whether case supervision and review violates the Code of Professional Responsibility, as interpreted by Texas courts.		
§ 1607	09/26/77		Whether law professors who are admitted to practice in another state may be counted for purposes of satisfying the "60 percent attorneys" requirement for program governing bodies.		§ 1007(c)
§ 1607	09/23/77		Propriety of permitting employees or representatives of local or state governments to serve on the governing bodies of recipients and the consistency of this procedure with the requirements of LSC Act and regulations.		§ 1001(5) § 1006(a)(1)(A)(ii)
§ 1607	07/28/77		Interpretation of § 1607 on recipient's governing bodies.		

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§ 1607.3(d) § 1607.3(e)	07/26/77		Opinion regarding program's proposed by-laws that permit board to select 2 directors "who are members of or nominated by groups representative of low-income county residents."		
§ 1607.3(a) § 1607.3(h) § 1607.4(b) § 1607.6	07/25/77		Opinion regarding program's bylaws that make program employees members of the corporation with power to nominate candidates and vote in elections for the board of directors.		45 C.F.R. Part 1621 45 C.F.R. § 1621.2
§ 1607.6	06/22/77		Eligibility for board membership		§ 1007(c)
§ 1607.3(c)	05/18/77		Requirements of § 1607.3(c)		
§ 1607.3(c) § 1607.3(e) § 1607.3(h)	05/10/77		Review of provision of programs by-laws concerning board structure.		
§ 1607.3(d)	04/22/77		Meaning of the phrase "associations, groups, or organizations of eligible clients," within the meaning of § 1607.3(d).		45 C.F.R. § 1611.5(d)
§ 1607	04/04/77		Role of program's board of directors		§ 1006(b)(2) § 1006(b)(3) § 1007(a)(1) § 1007(a)(3) 45 C.F.R. Part 1609 45 C.F.R. Part 1618 45 C.F.R. Part 1620
§ 1607.3(b) § 1607.6	03/24/77		Request for waiver of § 1607.6, which prohibits any member of the governing body of recipient from receiving compensation from that program.		
§ 1607.3(c) § 1607.4(a)	03/15/77		Whether program's proposed plan for board composition and selection is consistent with Part 1607.		
§ 1607	03/04/77		Whether local governing boards may have alternates for its members on the board of directors.		
§ 1607.3 § 1607.3(c) § 1607.3(e) § 1607.3(g)	02/25/77		Board composition		
§ 1607.3(b) § 1607.3(d) § 1607.3(g)	02/03/77		Request for waiver of § 1607.3(b), which requires at least 60% of a governing body to be attorneys admitted to practice in state where recipient is to provide legal assistance.		
§ 1607.3(d)	01/31/77		Board composition		
§ 1607.3(c)	01/24/77		Proposed board structure		§ 1007(a)(1)

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§ 1607.4(b)	12/27/76		I. Whether it is proper under LSC regulations to disclose information about a specific client's eligibility to the board of directors; II. Whether prior approval of the board can be required before the program may undertake a case on behalf of specific group, organization or corporation.		45 C.F.R. § 1609.4(b) 45 C.F.R. Part 1611 45 C.F.R. § 1611.6(c)
§ 1607.(b) § 1607.6	12/21/76		Guidance for implementing LSC's regulation governing fee-generating cases and members of grantee boards.		§ 1005(c) 42 U.S.C. § 2996d 45 C.F.R. § 1601.11 45 C.F.R. Part 1609
§ 1607.5 § 1607.6	12/13/76		Request for waiver of § 1607.		
§ 1607.3(b) § 1607.3(c) § 1607.3(h)	12/09/76		Propriety of requirement that as a prerequisite for membership on the board of directors of legal services program, an attorney had to be member of a bar association.		
§ 1607	12/03/76		Propriety of allowing employees of local welfare departments to serve in a representative capacity on the governing bodies of recipients.		§ 1001(5) § 1006(a)(1)(A)(ii) § 1007(a)(1)
§ 1607.4 § 1607.6	11/30/76		Reimbursement of board members		45 C.F.R. Part 1611
§ 1607.3(b)	11/12/76		Request for waiver of § 1607.3(b).		
§ 1607.3(h)	11/05/76		Board selection		
§ 1607.3(d) § 1607.3(i)	11/01/76		Whether composition of governing body of recipient program meets the requirements of Part 1607.		
§ 1607.3 § 1607.3(h)	10/29/76		Whether the plans of recipient program for restructuring its governing body comply with the requirements of § 1607.3.		
§ 1607	undated		Whether it violates LSC regulations for legal services lawyers to accept appointment without compensation in cases in which state law provides for compensation of private attorneys.		§ 1006(b)(3) 42 U.S.C. § 2996e 45 C.F.R. § 1609.2 45 C.F.R. § 1609.4(c) 45 C.F.R. Part 1620 § 1007(b)(1)

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<b>Part 1608</b>			<b>Prohibited Political Activities</b>		
§ 1608.5	9/13/10	AO-2010-003	Whether a recipient staff attorney may run for and accept an elected position as a School Board Member while employed with a recipient without violating the LSC Act or regulations if the attorney does not identify him/herself with a partisan political party.		§ 1006(e)(2)
§ 1608.5(c)	10/16/06	EX-2006-1007	Whether a recipient may hire a staff attorney who already holds elective office consistent with 1608. (Yes.)  Whether the staff attorney, once hired, may run for reelection. (Yes, if nonpartisan office; no, if partisan office.)		§1006e(2) §1002(7) 45 C.F.R. §1600.1
§ 1608.4(a)	06/18/01  Approved for public release 10/5/06	EX-2006-1006	Whether a recipient employee running for re-election to public office may list his title and affiliation of current employment without violating 1608.4(a). (Yes.) NOTE: This Internal Opinion was approved for public release by the LSC President on 10/05/06.		
§ 1608.4(a)	05/08/02  Approved for public release 10/5/06	EX-2006-1005	Whether a recipient employee running in a non-partisan election who listed his title and affiliation of current employment with the recipient on campaign literature had "intentionally identified" the recipient with a political activity in violation of 1608.4(a). (No.) NOTE: This Internal Opinion (IN-2002-2001) was approved for public release by the LSC President on 10/05/06.		
§ 1608.4(a)	12/14/00  Approved for public release 10/05/06		Whether it would violate 1608.4(a) for an employee of a recipient who was running for re-election for public office to list his/her employer as "[name of recipient] Legal Aid Society." It is not a violation for a candidate to merely identify himself/herself as an employee of a particular recipient. NOTE: This Internal Opinion was approved for public release by the LSC President on 10/05/06.		
§ 1608.5(c)	03/07/03	EX-2003-1004	Whether 1608 prohibits a recipient staff attorney from running for a town council position in a partisan political campaign. The opinion concluded that because more than 50% of the attorney's professional income came from his position with the recipient, he was prohibited from running for the position. This opinion is significant in that it overrules 10 previous opinions on this subject and acknowledges the past disparity in our interpretation of opinions on this subject.		42 U.S.C. 2996a(7) 42 U.S.C. 2996e(e)(2) 45 C.F.R. § 1600.1

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§ 1608	03/07/03	EX-2003-1004	Whether it would be a violation of 45 C.F.R. Part 1608 for a senior staff attorney to run for a town council position in a partisan political campaign. The individual falls within the category of a staff attorney and therefore is prohibited by the LSC Act and Regulations from running for the proposed town council position in a partisan election.		1006(e)2 42 U.S.C. 2996e(e)(2) 45 U.S.C. 1608.5(c) 42 U.S.C. 2996a(7) 45 C.F.R. 1600.1 1006(a)(1)(A) 42 U.S.C. 2996a 1007(c) 1002(7) 1007(g) 42 U.S.C. 2996f(g) 1006(d)(5) 1007(a)(8)
§ 1608.1 § 1608.4(a) § 1608.5(c)	02/15/00		Whether a recipient staff attorney, serving as guardian ad litem, must complete citizen attestation forms for these cases. The conclusion states that if the guardian ad litem to providing legal assistance, a citizen attestation form must be completed by the parent or legal guardian of the child.		42 U.S.C. 2996a(7). 45 C.F.R. § 1600.1
§ 1608.6 § 1608.4	09/08/98		Whether 45 C.F.R. Part 1608 Prohibits Voter Registration Activities by Non-Attorney Personnel in LSC-Funded Legal Services Programs.		
§ 1608.5(c)	09/12/97		Reinstatement of employment status for program attorney, who resigned to run for city judgeship, which she subsequently lost. Partially overruled by 2003-1004.		42 U.S.C. § 2996e(e)(2) 45 C.F.R. Part 1600
§ 1608.5	08/13/96		Whether an attorney with legal services program, which is a sub-recipient of LSC funds, may run in an election for the office of Civil Court judge while she is full time employee of sub-recipient program. Partially overruled by 2003-1004.		§ 1006(e)(2) 5 U.S.C. § 1502(a)(3) 45 C.F.R. Part 1600 45 C.F.R. § 1600.1
§ 1608.4 § 1608.5 § 1608.6	02/05/96		Whether program's interpretation that attorney's activities violated LSC Act and regulations is correct.		§ 1010(c) 45 C.F.R. Part 1610 45 C.F.R. Part 1612 45 C.F.R. § 1618.4(c)
§ 1608	11/14/95		Whether one of program's staff attorneys is in violation of Part 1608 because he is member of municipal assembly and was so at time he was hired by program.		

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§ 1608	05/09/94		Whether an attorney on program's staff must resign in order to qualify and run for judicial office, which is elective position.		§ 1002(7) § 1006(e)(2) 5 U.S.C. § 1502(a)(3) 5 U.S.C. § 1503 42 U.S.C. § 1973(c)
Missing	05/05/94				
§ 1608.4(a) § 1608.5(c)	03/15/94		I. Whether it is permissible for staff attorney candidate to take a leave of absence from program during her candidacy rather than resign her position; and II. Assuming the staff attorney is elected, whether it is permissible for her to work in a temporary capacity with program during the period between the election and assuming office.		5 U.S.C. §§ 1504-1507 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996a(7) 42 U.S.C. § 2996e(e)(1) 45 C.F.R. Part 1600
§ 1608.3(b)(3) § 1608.5(c) § 1608.6(a) § 1608.8	01/05/94		What actions, if any, program needs to take pursuant to LSC Act and regulations against managing attorney, who has been accused of engaging in prohibited political activities.		§ 1006 § 1006(d)(3) § 1006(e)(1) § 1006(e)(2) § 1007(a)(6) 5 U.S.C. § 1502 5 U.S.C. § 1502(a)(2) 5 U.S.C. § 1502(a)(3) 5 U.S.C. § 1503 45 C.F.R. Part 1612 45 C.F.R. § 1612.12(c)(2) 45 C.F.R. § 1612.12(c)(2)(ii)
§ 1608	12/03/92		Whether appointment as chairman for county republican committee violates Chapter 15 of Hatch Act.		5 U.S.C. §§ 1501-1508 5 U.S.C. § 1503 42 U.S.C. § 2996 <u>et seq.</u> 5 C.F.R. § 151.111(a)
§ 1608.3 § 1608.3(b) § 1608.4 § 1608.4(a) § 1608.4(b) § 1608.5 § 1608.5(a) § 1608.5(b) § 1608.6(a)	08/05/92		Whether the planning of and involvement with the "roast" of justice (purpose of event is to raise funds for street law project) by employees of recipient violates the LSC Act and regulations where it is known that justice may become candidate for mayor.		§ 1006(e)(1) § 1006(e)(2) 5 U.S.C. § 1501 5 U.S.C. § 1502 5 U.S.C. § 1502(a)(1) 5 U.S.C. § 1502(a)(3) 5 U.S.C. § 1503

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§ 1608.5	07/27/92		Whether program's staff attorney may be candidate for partisan elective office while on leave without pay.		§ 1006(e)(2) 5 U.S.C. § 1503 5 U.S.C. §§ 1504-1507 42 U.S.C. § 2996e(e)(2) 5 C.F.R. § 101(f) 5 C.F.R. § 151.111(a)
§ 1608	03/25/92		I. Whether recipient is covered by Hatch Act; II. Whether employee violated federal law by their involvement in partisan political activities.		§ 1006(e)(2) 5 U.S.C. Chapter 15 5 U.S.C. § 1502 5 U.S.C. § 1503 5 U.S.C. § 7324 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996e(e)(2) 45 C.F.R. Part 1600
§ 1608	03/19/92		Whether a legal services program's employee may run for partisan judicial office when the employee intends to run as independent candidate.		§ 1006(e)(2) 5 U.S.C. § 1502 5 U.S.C. § 1503 5 U.S.C. §§ 1504-1507 42 U.S.C. § 2996e(e)(2) 45 C.F.R. Part 1600 45 C.F.R. § 1600.1



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§ 1608.5 § 1608.5(c) § 1608.6(b)	02/28/92		<p>Whether recipient may permit staff attorney to take an unpaid leave of absence to pursue a district judge position. LSC has consistently taken the position that a staff attorney at an LSC program must resign the staff attorney position in order to run for a judicial position that is an elective partisan position.</p> <p>III. Whether program attorney can be candidate for partisan political office (No, attorney considered to be "staff attorney");</p> <p>I. When does someone become candidate for partisan political elective office (Any overt action in furtherance of candidacy for elective public office is technically violation of § 1608.5(c)).</p>		§ 1002(6) § 1002(7) § 1006(a)(1)(A) § 1006(d)(5) § 1006(e)(2) § 1007(a)(8) § 1007(c) § 1007(g) § 1010(c) 5 U.S.C. Chapter 15 42 U.S.C. § 2996a 42 U.S.C. § 2996a(7) 42 U.S.C. § 2996e(e)(2) 42 U.S.C. § 2996f(g) 42 U.S.C. § 2996i(c) 45 C.F.R. Part 1600 45 C.F.R. Part 1618.4(c)

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§ 1608.1 § 1608.5 § 1608.5(c) § 1608.5(e) § 1608.8	01/31/92		Whether program's interpretation and application of 45 C.F.R. § 1608.5 are correct.		§ 1006(e) § 1006e(2) 5 U.S.C. § 1502 <u>et seq.</u> 5 U.S.C. § 1503 42 U.S.C. § 2996e(2) 45 C.F.R. Part 1600 45 C.F.R. Part 1612 45 C.F.R. § 1612.5 45 C.F.R. § 1612.12 45 C.F.R. § 1612.12(c)(2) 45 C.F.R. § 1612.12(c)(3) 45 C.F.R. § 1612.12(c)(4) 45 C.F.R. Part 1618 45 C.F.R. § 1618.4 45 C.F.R. § 1618.4(b) 45 C.F.R. § 1618.4(c)
§ 1608	09/11/91		Whether a permanent employee of recipient program can run for judicial political office while on leave with or without pay.		§ 1006(e)(2) 5 U.S.C. § 1502 5 U.S.C. § 1503 5 U.S.C. §§ 1504-1507 42 U.S.C. § 2996e(e)(2) 45 C.F.R. Part 1600
§ 1608.5(c)	03/27/90		I. Whether program attorney is a "staff attorney" within the definition of 45 C.F.R. Part 1600; II. If "yes," whether employee could be candidate in uncontested democratic primary for state judgeship.  Partially overruled by 2003-1004.		§ 1006e(2) 42 U.S.C. § 2996e(2) 45 C.F.R. Part 1600

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§ 1608.3 § 1608.3(b) § 1608.4	06/06/89		I. Propriety of program's non-attorney staff person running for public office; II. Questions concerning limitations placed upon local program by Hatch Act; III. Rules governing the use of program's name, office supplies and telephone.		§ 1006(e)(2) 5 U.S.C. § 1501 <u>et seq.</u> 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996a(7) 42 U.S.C. § 2996e(b)(1)(B)(2) ) 42 U.S.C. § 2996e(e)(2) 42 U.S.C. § 2996f(a)(6) 45 C.F.R. Part 1618
§ 1608	04/11/89		Violation of Hatch Act---senior staff attorney of recipient program running for elective office in partisan election.		5 U.S.C. § 1502 42 U.S.C. § 2996e(b)(1)(B)(2) ) 42 U.S.C. § 2996e(e)(2) 42 U.S.C. § 3001 <u>et seq.</u> 5 U.S.C. § 151.101(g) 5 C.F.R. § 151.121(c) 5 C.F.R. § 151.122(e) 45 C.F.R. Part 1618
§ 1608	03/30/89		Violation of Hatch Act		5 U.S.C. §§ 1501-1508 42 U.S.C. § 2996e(e)(2)
§ 1608	03/23/89		Violation of Hatch Act---staff attorney actively campaigning for judicial office.		5 U.S.C. § 1501 <u>et seq.</u> 5 U.S.C. §§ 1501-1508 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996e(b)(1)(A) 42 U.S.C. § 2996e(b)(5)(B) 42 U.S.C. § 2996e(e)(2) 42 U.S.C. § 2996f(a)(6)
§ 1608	02/24/89		Since school board election is partisan, program's staff attorney is prohibited from running in this election.		5 U.S.C. § 1503 42 U.S.C. § 2996e(e)(2)

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§ 1608	04/20/88		I. Whether conflict of interest principles apply equally to legal aid office and private law firm; II. Whether recipient's acceptance of a case is mandatory or permissive in case where § 1609.3 permits LSC grantees to accept fee generating cases.		§ 1007(a)(2)(c) 45 C.F.R. Part 1609 45 C.F.R. § 1609.3 45 C.F.R. § 1609.4 45 C.F.R. Part 1620
§ 1608.3	02/16/88		Whether board member must relinquish his position on board because of his election to state senate.		§ 1007(a)(5) § 1007(d)(3) § 1007(d)(4) 42 U.S.C. § 2996f(a)(5) 42 U.S.C. § 2996f(d)(3) 42 U.S.C. § 2996f(d)(4) 45 C.F.R. Part 1612
§ 1608	02/02/87		What constitutes political activity under LSC regulation 1608?		§ 1006(d)(3) § 1006(d)(4) § 1007(a)(5) 42 U.S.C. § 2996e 42 U.S.C. § 2996f 45 C.F.R. § 1600.1 45 C.F.R. § 1623 45 C.F.R. § 1625 45 C.F.R. § 1630
§ 1608	03/20/86		I. Whether director of legal services program can be candidate for Freeholder position in another county; II. Whether director of legal services program can run for Freeholder seat without resigning from Legal Services; III. Whether running for Freeholder position violated 45 C.F.R. Part 1608.		§ 1006(e)(2) 42 U.S.C. § 2996 42 U.S.C. § 2996e 42 U.S.C. § 2996f
§ 1608.1 § 1608.3 § 1608.5 § 1608.5(c) § 1608.6	03/26/85		Applicability of 45 C.F.R. § 1608.5(c) to staff attorney who holds an elective, nonpartisan public office.		§ 1006(e)(2) 5 C.F.R. 151.101(b) 5 C.F.R. 151.122(d)(e)

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§ 1608.3 § 1608.4 § 1608.5(c)	02/21/85		I. Whether 1608.5(c) or any other regulation apply to non-attorney program director, who is contemplating running for state legislative position with party designation; II. If it does apply, whether director can take unpaid leave of absence to campaign; III. If she is elected, whether she can hold public office and still retain her position funded with LSC subgrant funds.		§ 1002(7) § 1006(e)(2) § 1007(a)(5) 45 C.F.R. § 1601.1 45 C.F.R. Part 1612
§ 1608	08/30/84		Candidacy for judgeship is nonpartisan for purposes of § 1006(e)(2) of LSC Act and § 1608 of the regulations.		§ 1006(e)(2)
§ 1608	06/12/84		Whether person under contract to LSC can serve as coordinator for national political campaign.		§ 1006(e) § 1006(e)(2) 5 U.S.C. § 1502 5 U.S.C. § 1502(a) 5 U.S.C. § 1502(b) 5 U.S.C. § 1503 5 U.S.C. § 1503(a)(3)
§ 1608.7	03/14/83		Question concerning prohibited political activity of legal aid program.		42 U.S.C. § 2996e(b)(1)(B) 42 U.S.C. § 2996e(e)(1) 42 U.S.C. § 2996f(a)(6)(A) 42 U.S.C. § 2996f(b)(4)
§ 1608.2 § 1608.4 § 1608.5	09/11/81		I. Whether staff attorney may run for election to school board; II. Guidance on meaning of § 1608.4 of regulations, which prohibits employees from intentionally identifying LSC or a program with a campaign or other political activity.		5 C.F.R. § 151.101(g)
§ 1608.2 § 1608.3(b) § 1608.4(a) § 1608.5 § 1608.5(c) § 1608.6(a)	08/31/81		Limitations on proposed nonpartisan candidacy for part-time position on the city council.		§ 1006(e)(2) 42 U.S.C. § 2996e(e)(2) 45 C.F.R. § 1600.1
§ 1608.5(c)	06/29/81		Whether under § 1608.5(c) a person who is "sending out feelers to see if he/she can get the political and financial support to run" is considered a "candidate."		§ 1006(e)(2) 5 C.F.R. §§ 151.101 – 151.122
§ 1608	03/26/81		Under what circumstances may paralegal seek elective office under Part 1608 of LSC regulations.		
§ 1608	03/02/81		Whether program's board could prohibit any employee from being candidate for political office (Yes).		

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§ 1608.6(a) § 1608.7	09/24/80		Response to request for investigation of staff attorney's political activities.		42 U.S.C. § 2996f(a)(5) 42 U.S.C. § 2996f(a)(6)(A) 45 C.F.R. § 1611.5(c) 45 C.F.R. § 1612.4(2)
§ 1608.5(c)	09/17/80		Whether it is permissible for program to employ non-lawyer in paralegal position who is an elected county commissioner.		
§ 1608.4(b)	08/20/80		Whether inviting registrars to conduct voter registration in clients' waiting rooms violates LSC Act or regulations.		§ 1006(b)(5)(B) § 1007(a)(6) § 1007(b)(4) 42 U.S.C. § 2996e(b)(5)(B) 42 U.S.C. § 2996f(a)(6)
§ 1608.5 § 1608.5(c)	07/17/80		Whether LSC continues to interpret Part 1608.5(c) of its regulations to mean that a staff attorney must resign if he wishes to run for partisan political office.		
§ 1608.6	05/15/80		I. Propriety of recipient's employee campaigning actively for a person running for a seat on recipient's board of director; II. Selection of a board member as an eligible client and the subsequent discovery that the board member may not have been an eligible client at the time of selection.		42 U.S.C. § 2996f(c) 45 C.F.R. § 1607 45 C.F.R. § 1607.1 45 C.F.R. § 1607.3 45 C.F.R. § 1607.3(a) 45 C.F.R. § 1607.4 45 C.F.R. § 1607.4(b) 45 C.F.R. § 1607.6
§ 1608.5	05/14/80		Whether board members whose terms had expired could continue to serve and if the board could meet to transact business pending the selection of replacements.		5 C.F.R. § 151.101 5 C.F.R. § 151.101(g)
§ 1608.5(c)	04/02/80		Whether it violates LSC regulations for staff attorney to be delegate to political party convention.		5 C.F.R. § 151.101 <u>et seq.</u> 5 C.F.R. § 151.122(f)
§ 1608.4(b) § 1608.6	03/11/80		Whether a clients' council, which receives funds from program, may engage in voter registration activity		§ 1006(a)(1)(A) 45 C.F.R. § 1600.1

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§ 1608.7	01/16/80		Whether representation of clients, who wish to intervene on behalf of plaintiff in case brought by member of Public Service Commission who alleges that he is entitled to remain in office, is "political activity" prohibited by Part 1608 (No).		
§ 1608.5(c)	01/10/80		Questions regarding application of § 1006(e)(2) of LSC Act, 42 U.S.C. § 2996e(e)(2) and § 1608.5 of LSC regulations to a staff attorney's seeking his party's nomination as candidate in a general election.		§ 1006(e)(2) 5 U.S.C. § 1502(a) 42 U.S.C. § 2996e(e)(2) 5 C.F.R. § 151.101 <u>et seq.</u> 5 C.F.R. § 151.101(g)
§ 1608.5(a)	10/16/79		Whether it is a violation of § 1608.5(a) for staff attorney to express personal support for a candidate for judicial office.		
§ 1608.3(b)(3)	10/15/79		Whether program is allowed to represent eligible clients in suit to prohibit proponents of initiative from distributing false information regarding the nature and purpose of the initiative.		§ 1006(d)(4) 42 U.S.C. § 2996e(d)(4)
§ 1608.3 § 1608.4(a)	09/12/79		Whether board's adoption of resolution establishing a program position on energy and technology issues violates either Part 1608 of LSC's regulations relating to prohibited political activities or Part 1620 of the regulations relating to priority setting.		§ 1007(a)(2)(c) 42 U.S.C. § 2996f(a)(2)(C) 45 C.F.R. Part 1620 45 C.F.R. § 1620.2(a)(1) 45 C.F.R. § 1620.2(a)(2)
§ 1608.2 § 1608.6 § 1608.6(c)	09/10/79		Advice regarding voter registration activities by legal services attorneys.		
§ 1608.1	06/04/79		Whether non-attorney employee of legal services program could seek election to State Senate.		
§ 1608.4(b) § 1608.6(a)	04/18/79 (no name)		Whether program's non-attorney employee may seek election to State Senate (Yes).		
§ 1608	04/18/79 (Garcia)		Whether program can help clients place measure on ballot.		
§ 1608.5(a) § 1608.7	03/29/79		Whether Part 1608 of LSC's regulations prohibit a legal services program from representing eligible clients in an action challenging the results of an election.		
§ 1608.4(a) § 1608.4(b) § 1608.5 § 1608.6	03/27/79		Propriety of individual employees of program supporting and working for election of former legal services attorney to state judgeship. Partially overruled by 2003-1004.		45 C.F.R. § 1600.1

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§ 1608	03/20/79		Review of program's by-laws---process established for board review of an employee's involuntary termination.		§ 1006(b)(2) § 1011 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996j 45 C.F.R. Part 1606 45 C.F.R. § 1608.3(a)
§ 1608.2 § 1608.6	03/16/79		Whether staff attorney may serve as campaign manager for city councilman.		
§ 1608.5(c)	02/09/79		Whether attorney director of legal services program may continue to serve as partisan member of board of education, where attorney was elected to office before being employed by program.		§ 1006(e)(2) 42 U.S.C. § 2996e(d)(6) 5 C.F.R. § 151.101 5 C.F.R. § 151.122(d) 45 C.F.R. § 1600.1 45 C.F.R. § 1604.5(a) 45 C.F.R. § 1613.4(a)
§ 1608	01/22/79		Whether staff attorney may run in school board election where each candidate is listed on ballot with a party affiliation and can receive financial support from the party represented. Partially overruled by 2003-1004.		45 C.F.R. § 1600.1
§ 1608.5(c)	08/23/78		Whether staff attorney is prohibited from being precinct chairman for Democratic Party.		
§ 1608.5	06/06/78		Whether LSC Act prohibits a staff attorney from running for county judge or county attorney as an independent candidate (a) without opposition; and (b) with opposition.		§ 1006 (e)(2) § 1007(a)(10) 42 U.S.C. § 2996e(e)(2) 5 C.F.R. § 151.101(g)
§ 1608	09/12/77		Whether program's involvement with political organization known as "Alaska '78" violates §§ 1006 and 1007 of LSC Act or Part 1608 of regulations.		§ 1006 § 1007
§ 1608.6(a)	05/04/77		Whether program attorney can accept appointment as a member of committees of state and local political party.		
§ 1608.5(c) § 1608.6 § 1608.6(a) § 1608.6(b)	04/06/77		I. Whether § 1608.5(c) prohibits staff attorney from being elected to and serving on the Central Committee of county Democratic Party; II. What restrictions are there on the involvement of staff attorney in voter registration activities?		§ 1007(a)(6)



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§ 1608	03/16/77		Nothing in LSC Act or regulations prohibits program from writing to governor or his deputy in charge of judicial appointments to recommend that particular person be given favorable consideration for judicial post open in county.		
§ 1608.5(a)	03/11/77		No violation of § 1608.5(a) when staff attorney expresses personal support for nominee for state judiciary position.		
§ 1608	12/27/76		Restrictions on engaging in voter registration activities.		§ 1007(a)(6)(C) 42 U.S.C. § 2996f
§ 1608.5 § 1608.6(b)	10/08/76 (no name, tax district 2003-1004)		Propriety of staff attorney participating as a poll watcher. Partially overruled by 2003-1004.		§ 1002(7) § 1007(a)(6) 5 U.S.C. § 1502(a)
§ 1608.6(b)	10/05/76 (no name, 2003-1004)		Whether various activities that might be carried on by program on behalf of client group seeking to form special tax district. Partially overruled by 2003-1004.		§ 1002(7) § 1007(b)(6) 45 C.F.R. § 1611.15(d)
§ 1608.5 § 1608.6(b)	10/05/76		Scope of certain prohibitions established by LSC Act and implemented by regulations. Partially overruled by 2003-1004.		§ 1002(7) § 1007(a)(6) 5 U.S.C. § 1502(a) 5 C.F.R. § 151.11
§ 1608	09/20/76		Appropriateness of reimbursing, with LSC funds, persons attending Foundation advisory councils.		§ 1603
§ 1608.5(c)	08/19/76		Whether LSC Act permits staff attorney to take uncompensated leave time to run for elective public office.		§ 1007(a)(6) 5 C.F.R. § 15.101(f)
§ 1608.2 § 1608.4 § 1608.5(c) § 1608.6(a)(1)	07/20/76		Potential conflict of program attorney seeking elected position on borough council. Partially overruled by 2003-1004		
§ 1608.5 § 1608.6	06/04/76		Applicability of restrictions to staff attorneys. Partially overruled by 2003-1004.		§ 1007(a)(6)
<b>Part 1609</b>			<b>Fee Generating Cases</b>		
§ 1609.1 § 1609.2(a) § 1609.2(b) § 1609.3(a) § 1609.3 § 1609.3(b)(1) § 1609.4	07/16/99		Whether program's reporting requirements are required and/or necessary.		
§ 1609	04/17/98		Whether program may charge clients small processing fee.		42 U.S.C. § 2996

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§ 1609	09/28/95		Scope of restriction in LSC appropriations bill regarding fee-generating cases---Whether restriction precludes program from: I. preparing and disseminating informational or self-help pamphlets; II. provide advice or brief service, such as attempting to negotiate a settlement with the landlord; or III. refer the client to a member of the private bar or some other non-LSC recipient.		
§ 1609	05/24/94		Response to concern that LSC is contemplating rule modification that would prohibit recipient programs from accepting attorney fees in Title II Social Security cases.		

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§ 1609.3 § 1609.4 § 1609.4(d)	08/27/93		Whether proposed referral program for social security cases complies with LSC's regulations and policy.		§ 1007(b)(1) 42 U.S.C. § 401 <u>et seq.</u> 42 U.S.C. § 406(b) 42 U.S.C. § 1381 <u>et seq.</u> 42 U.S.C. § 2996a(3) 42 U.S.C. § 2996a(5) 42 U.S.C. § 2996f(b)(1) 42 U.S.C. § 2996l(c) 45 C.F.R. § 1600.1 45 C.F.R. § 1610.2 45 C.F.R. § 1614.1 45 C.F.R. § 1614.1(d) 45 C.F.R. § 1614.1(e) 45 C.F.R. § 1614.2(a) 45 C.F.R. § 1614.2(c) 45 C.F.R. § 1614.3(a) 45 C.F.R. § 1614.3(c)(1) 45 C.F.R. § 1614.3(e)(1)(iii) 45 C.F.R. § 1614.4(a)(1) 45 C.F.R. § 1614.5(a) 45 C.F.R. § 1614.6(d)(2) 45 C.F.R. § 1614.7(d)
§ 1609	07/23/93		Review of program's retainer agreement--- request for approval of citizenship certification section.		§ 1007(b)(1) 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996f(b)(1) 45 C.F.R. § 1626.5(a)
§ 1609	08/16/89		Receipt of attorney's fees by legal services program attorneys.		

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§ 1609	07/31/89		Status of amendments to 45 C.F.R. Part 1609.		45 C.F.R. Part 1610 45 C.F.R. Part 1611
§ 1609.3 § 1609.4	04/20/88		I. Whether conflict-of-interest principles apply equally to a legal aid office and a private law firm; II. Whether a recipient's acceptance of case is mandatory or permissive in case where § 1609.3 allows LSC grantees to accept fee-generating cases.		§ 1007(a)(2)(c) 45 C.F.R. Part 1620
§ 1609.4 § 1609.8(c)	02/29/88 (Whiteley )		Program's involvement as co-counsel in case.		42 U.S.C. § 2996e(b)(1)(B) 45 C.F.R. Part 1630
§ 1609.4 § 1609.8(c)	02/29/88 (Garrison )		Question regarding program's involvement in litigation.		42 U.S.C. § 2996e(b)(1)(B) 45 C.F.R. Part 1630
§ 1609.4 § 1609.5	02/29/88 (Brandt)		Interpretation of LSC rules relating to the use of funds by a recipient, a director of a recipient and a client of a recipient.		§ 1007(a)(10) § 1007(b)(1) 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996a(5)(A) 42 U.S.C. § 2996f(a)(10) 42 U.S.C. § 2996f(b)(1) 45 C.F.R. Part 1606 45 C.F.R. § 1607.3(a) 45 C.F.R. § 1607.6 45 C.F.R. Part 1611 45 C.F.R. § 1619.4(a) 45 C.F.R. Part 1620 45 C.F.R. Part 1623 45 C.F.R. Part 1625

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§ 1609	05/26/87		Opinion concerning program's problem with state court judge's orders appointing program's attorneys to various cases.		§ 1006(d)(6) 42 U.S.C. § 2996e(d)(6) 42 U.S.C. § 2996f(a)(2)(C) 45 C.F.R. § 1604.4 45 C.F.R. § 1604.4(a) 45 C.F.R. § 1604.4(b) 45 C.F.R. § 1604.5 45 C.F.R. § 1605 45 C.F.R. § 1605.3 45 C.F.R. § 1609 45 C.F.R. § 1611 45 C.F.R. § 1611.3(a) 45 C.F.R. Part 1620 45 C.F.R. § 1620.2(a)
§ 1609	04/09/87		Propriety of program's request for attorney fees.		§ 1007(b) 42 U.S.C. § 401 <u>et seq.</u> 42 U.S.C. § 1381 <u>et seq.</u> 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996f(b)

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§ 1609.2 § 1609.3 § 1609.4(d)	03/26/87		Propriety of program's charging fee for representation of clients in Social Security cases.		§ 1002(6) § 1006(a)(1)(A) § 1007(b)(1) § 1010(c) 31 U.S.C. § 6503(b) 42 U.S.C. § 2996a(1)(A) 42 U.S.C. § 2996f(b)(1) 42 U.S.C. § 2996l(c) 42 U.S.C. § 3022(4) 42 U.S.C. § 3027(a)(15)(A) 42 U.S.C. § 1397d 42 U.S.C. § 1397e 45 C.F.R. § 1321.73 45 C.F.R. § 1321.151(c)(3)(v) i) 45 C.F.R. § 1610.1 45 C.F.R. § 1610.1(d) 45 C.F.R. § 1610.2 45 C.F.R. § 1610.3 45 C.F.R. § 2609.2
§ 1609.4(d)	03/25/87		Propriety of allowing judicare attorneys to seek attorneys fees in social security disability cases.		§ 1007(b)(1) 42 U.S.C. § 401 <u>et seq.</u> 42 U.S.C. § 406(b)(1) 42 U.S.C. § 1381 <u>et seq.</u> 42 U.S.C. § 2996f(b)(1)

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§ 1609.2 § 1609.3	03/24/87		LSC restrictions applicable to the use of the Older Americans Act (OAA) in this instance.		42 U.S.C. § 2996f(b) 42 U.S.C. § 2996i(c) 45 C.F.R. § 1321.73 45 C.F.R. § 1321.73(h) 45 C.F.R. § 1610.2
§ 1609.2 § 1609.4 § 1609.5(b) § 1609.6	03/18/87		Award of attorney's fees under 28 U.S.C. § 2412 to an LSC funded legal services program.		§ 1007(b)(1) 29 U.S.C. § 621(b) 29 U.S.C. § 626(b) 42 U.S.C. § 1973e 42 U.S.C. § 1988 42 U.S.C. § 2996f(b)(1)
§ 1609	04/30/86		Propriety of program accepting attorneys' fees in social security cases.		
§ 1609	12/09/85 (Schempp)		Appropriateness of legal services program assisting in coordination of the execution of mortgage notes and deeds through a legal services office.		
§ 1609.4(d) § 1609.5(a)	12/09/85 (Ettinger)		Opinion regarding acceptance of fees in cases brought to recover benefits under Title II and/or Title XVI of the Social Security Act.		42 U.S.C. § 406(b)(1) 42 U.S.C. § 1383(d)(2)
§ 1609	12/02/85		Propriety of awarding fees to program for representation of Title II applicants.		42 U.S.C. § 406(b)(1)
§ 1609	10/08/85		I. Whether a grant recipient has a right to petition and receive attorney's fee in Social Security claims adjudicated at the administrative level; II. Whether there has been any directive or correspondence from LSC to the Department of Health and Human Services prohibiting the payment of these fees.		
§ 1608.4(d) § 1609.5(a)	06/10/85		Propriety of withholding attorneys' fees in connection with social security disability cases.		
§ 1609.5 § 1609.6	03/15/85		Response to letter concerning program's recipient grant and contract awards.		§ 1010(c) 42 U.S.C. § 2996i 45 C.F.R. § 1610.2
§ 1609.4	02/05/85		Retention of attorney's fees by subgrantee volunteer lawyers		45 C.F.R. Part 1614

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§ 1609.6 § 1609.7	07/13/84		Propriety of accepting reimbursement for out-of-pocket costs and expenses incurred in connection with social security disability cases.		
§ 1609.6 § 1609.7	04/28/82		Whether a program board member, acting as co-counsel on a case, may advance litigation costs on behalf of a program client with the understanding that he will recover costs and attorney fees at the conclusion of the matter.		§ 1007(c)
§ 1609.4 § 1609.4(a) § 1609.4(d) § 1609.5(a)	09/04/81		Whether or not legal services programs may accept statutory fees in social security matters where the service providers were supported by non-LSC funds from private sources.		§ 1007(b) § 1007(b)(1) § 1010(c) 42 U.S.C. § 401 <u>et seq.</u> 42 U.S.C. § 1381 <u>et seq.</u> 45 C.F.R. § 1609.4(b) 45 C.F.R. § 1610.1
§ 1609.4 § 1609.4(1) § 1609.4(b) § 1609.7	07/17/81		Propriety of representing client in fee-generating case.		42 U.S.C. § 2996f(b)(1)
§ 1609.4(d) § 1609.5(a)	04/30/81		Refusal to reconsider interpretation of § 1609.5(a) in order to permit legal services programs to accept attorneys' fees in Social Security cases.		
§ 1609.3 § 1609.5	03/26/81		Whether board can properly authorize program to accept an award of attorneys' fees where the program has represented a successful plaintiff.		§ 1010(c) 15 U.S.C. § 1629k(a) 15 U.S.C. § 1640(a) 20 U.S.C. § 1617 29 U.S.C. § 216(b) 42 U.S.C. § 1988 42 U.S.C. § 3612(c)
§ 1609.6	02/26/81		Whether Part 1609 forbids programs from accepting reimbursement from successful claimants for money expended by the programs to develop medical evidence in such cases.		
§ 1609.6	12/04/80		Program's proposal to obtain reimbursement from welfare department to pay pro rata share of attorney's fees does not violate LSC Act or regulations.		



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§ 1609.2 § 1609.3 § 1609.4(a)(1) § 1609.4(d)	12/02/80		Issues regarding when a fee-generating case must be referred and the procedures for referral.		42 U.S.C. § 2996f(b)(1)
§ 1609.6	11/19/80		Concerns regarding reimbursements for out-of-pocket expenses in Social Security cases.		
§ 1609.4(d) § 1609.5(a) § 1609.6	10/01/80		Administrative Law Judge's denial of recovery of attorneys' fees by legal services attorneys in Social Security cases was correct.		42 U.S.C. § 2996b(a) 42 U.S.C. § 2996f(b)(1)
§ 1609.4(c)	08/27/80		Whether county must compensate program or other attorneys employed by program for work on court-appointed cases.		42 U.S.C. § 2996e(d)(6) 45 C.F.R. Part 1600 45 C.F.R. § 1613.4(a)
§ 1609.6	08/15/80 (Vasaly)		Propriety of deducting out-of-pocket expenses incurred as the result of providing legal representation in statutory benefits cases.		
§ 1609.6	08/15/80 (Hogan)		Propriety of deducting out-of-pocket expenses from an award in a statutory benefits case.		
§ 1609.4(d) § 1609.6	08/11/80		Legal services programs may not seek or accept reimbursement from its SSI clients for out of pocket expenses.		
§ 1609.4(c)	03/21/80		Whether legal services attorneys may be appointed to represent prisoners in civil cases.		45 C.F.R. Part 1620
§ 1609	01/10/80		Whether private attorney, working with legal services program as co-counsel in civil rights case, may obtain a share in any statutory attorneys' fees awarded or share of a contingency.		
§ 1609	12/20/79		Circumstances in which program may accept court appointment when no fee is involved.		42 U.S.C. § 2996e(d)(6)
§ 1609.2 § 1609.4 § 1609.4(3) § 1609.5(a) § 1609.5(b)	09/20/79		Whether LSC Act or regulations prohibit a legal services program from representing an eligible client in a Truth-in-Lending action and from accepting court awarded attorneys' fees resulting from such representation.		§ 1007(b)(1) 42 U.S.C. § 2996f(b)(1)
§ 1609.4(a) § 1609.4(a)(1) § 1609.4(a)(2) § 1609.4(a)(3) § 1609.4(d)	09/19/79		I. Whether clients covered by § 1609.4(d) must also satisfy § 1609.4(a)(1)-(3) in order to be eligible for assistance; II. Whether program may solicit contributions from clients who were awarded Title II or Title XVI benefits.		§ 1007(b)(1) 42 U.S.C. § 2996f(b)(1)
§ 1609	07/09/79		Whether it is proper for program's board to direct staff to refrain from seeking attorney's fees in particular case (No).		

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§ 1609.4(c)	05/25/79		Payment of attorneys' fees to legal aid programs in guardianship and support matters where the program's clients receive public assistance.		45 C.F.R. § 1620.2(b)(4)
§ 1609.5(b)	05/07/79		Program's authority to collect attorneys' fees from former staff attorney.		§ 1007(b)(1) 42 U.S.C. § 2996e(b)(1)
§ 1609.4(a)(3)	05/01/79		Letter regarding certain classes of fee-generating cases.		
§ 1609.3 § 1609.4(a) § 1609.4(b)	03/20/79		Response to FOIA request---possible violation of LSC's prohibition of fee-generating cases.		5 U.S.C. § 552(b)(6) 45 C.F.R. § 1602.9(5) 45 C.F.R. § 1602.13(a) 45 C.F.R. § 1602.13(c) 45 C.F.R. § 1604.4 45 C.F.R. § 1604.5 45 C.F.R. § 1611.5(c)
§ 1609.3	02/14/79		Whether LSC prohibits staff attorneys from making private referrals apart from bar referral services in three situations: I. when the person seeking legal services is non-English speaking; II. when the applicant cannot afford the usual fee for bar referral services; III. when, because of the nature of the case, bar referral will not ordinarily lead to representation.		
§ 1609	01/22/79		Whether it is proper for a contract panel attorney who has convinced an insurance carrier of its obligation to defend a legal services client to accept the carrier's offer to retain him for that purpose.		45 C.F.R. § 1611.7
§ 1609.5 § 1609.7(c)	01/05/79		Whether program attorney may share in the expected statutory attorneys' fees for the work attorney performs after they leave.		42 U.S.C. § 2996f(a)(10)
§ 1609.7	11/06/78		Questions regarding program's policy that prohibits a board member from dealing, either directly or indirectly, with the program for profit unless there has been prior board approval on the basis of a finding that "no reasonable alternative exists."		45 C.F.R. § 1607.4(b) 45 C.F.R. § 1607.6
§ 1609.4 § 1609.5	10/12/78		LSC opinion concerning the decision in <u>Wycoff v. Wycoff</u> , denying motion for attorneys' fees made by program.		§ 1006(d)(6) § 1007(b)(1) 42 U.S.C. § 2996f(b)(1)

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§ 1609.4	09/15/78		Whether program's response to interrogatory in matter was accurate statement of law.		42 U.S.C. § 2996e(b)(1)(B) 45 C.F.R. Part 1618 45 C.F.R. Part 1620
§ 1609	08/31/78		Response to comments on proposed revision of 45 C.F.R. Part 1609.		45 C.F.R. Part 1620
§ 1609.3 § 1609.4 § 1609.7 § 1609.7(c)	07/31/78		Questions regarding § 1609.7.		
§ 1609.3 § 1609.7(c)	04/24/78		Whether LSC Act or regulations prohibits attorney from seeking and accepting award of attorneys' fees under 42 U.S.C. § 1988 for services performed on a case in which attorney was involved while employed by recipient program.		§ 1007(a)(10) 42 U.S.C. § 1988 42 U.S.C. § 2996f(10)
§ 1609.2 § 1609.4(c)	12/02/77		Whether it is a violation of LSC regulations for legal services lawyer to accept appointment without compensation in cases in which state law provides for compensation of private attorneys.		§ 1006(b)(3) § 1007(b)(1) 42 U.S.C. § 2996 42 U.S.C. § 2996e 42 U.S.C. § 2996f 45 C.F.R. Part 1604 45 C.F.R. Part 1611 45 C.F.R. Part 1620
Missing?	01/04/78				
§ 1609	12/02/77		Whether it is a violation of LSC Act or regulations for legal services attorneys to accept appointment without compensation in certain types of juvenile and family law matters, even though state law provides no compensation for appointed counsel and appointment is made only in cases where the court believes the juvenile or his family is eligible for legal services.		42 U.S.C. § 2996e(d) 45 C.F.R. Part 1620
§ 1609.4	11/22/77		Guidance with respect to program's policy in deciding whether to request attorneys' fees.		
§ 1609.5(b) § 1609.7(c)	10/19/77		Whether there are legal or ethical problems with program's retention of private counsel to handle major piece of litigation in which they have been involved since 1974.		§ 1006(a)(1)(A)
§ 1609.4	10/07/77		Under 45 C.F.R. Part 1609 claims for SSI benefits can be considered to be fee-generating.		

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§ 1609	09/28/77		Whether private attorneys participating in program's demonstration project may accept fee-generating cases brought to them by clients whom they have served previously under their contracts.		
§ 1609.5 § 1609.5(a) § 1609.6	09/09/77 (no name, Social Security case)		Whether a recipient may ever receive a fee, or be reimbursed for its out-of-pocket costs and expenses, from an award of back benefits in a Social Security case.		
§ 1609.4	09/09/77 (no name, class action)		Fee-generating cases---proposed class action to set aside certain state court judgments obtained by local creditor.		
§ 1609.2 § 1609.3 § 1609.4	08/05/77		Whether a class action seeking to void certain judgments on the ground that they were beyond the jurisdiction of the district court is a fee-generating case as to which referral must be attempted under § 1609.4.		
§ 1609.7(c)	06/23/77		Whether program attorney make act as co-counsel in a case involving a client who was financially eligible for legal services at the time case was accepted, but is now able to afford private counsel.		45 C.F.R. § 1611.7
§ 1609.2	05/17/77		Whether collection cases in which the deduction of an attorney's fee results in a client's not being made whole is deemed to be "fee-generating" under LSC regulation 45 C.F.R. Part 1609.		
§ 1609	03/25/77		Whether regulations permit program to move for attorneys' fees in connection with it's representation of a statewide class of Medicaid clients whom it represented as interveners in a federal civil rights suit and to accept the award of attorneys fees if one is made.		
§ 1609	03/11/77		No objection to program's acceptance of appointment to represent indigent prisoners in cases pending before the Fourth Circuit.		
§ 1609.5 § 1609.6	03/01/77		Whether LSC regulations permit program to accept part of a settlement or judgment awarding punitive damages to a client represented by program.		
§ 1609	01/21/77		Propriety of program's referral policy in fee-generating and conflict cases.		

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§ 1609	12/21/76		LSC believes that it would be violation of widely-accepted and firmly established conflict of interest rules for a legal services program to refer fee-generating cases to members of its Board of Directors.		§ 1005(c) 42 U.S.C. § 2996d 45 C.F.R. Part 1604 45 C.F.R. § 1607.3(b) 45 C.F.R. § 1607.6 45 C.F.R. § 1601.11
§ 1609.4(a)(3)	12/08/76		No violation of regulations governing fee-generating cases---referral need not be attempted if "the case is of the type that private attorneys in the area ordinarily do not accept, or do not accept without prepayment of a fee." *NOTE: MISSING PAGES AFTER PAGE 1		
§ 1609.2 § 1609.4	12/01/76		Whether the LSC permits lawyers employed by its recipient's to accept the fees authorized by 42 U.S.C. § 406(a).		42 U.S.C. § 406 42 U.S.C. § 406(a)
§ 1609	09/23/76		Whether a legal services program funded by LSC is permitted to accept a fee in a case covered by H.R. 15460 and S.2278, which provide for attorneys' fees in a range of litigation relating to civil rights.		§ 1007(b)(1)
§ 1609	09/22/76		Whether recipient program would be permitted to accept a fee in a case covered by S.2278, which provides for attorneys' fees in a range of litigation relating to civil rights.		§ 1007(b)(1)
§ 1609.4	09/03/76		Response to letter commenting on Part 1609 and Truth-in-Lending cases.		
§ 1609.4	08/03/76		Response to inquiry concerning LSC policy with respect to recipients accepting an award of attorneys' fees in Truth-in-Lending cases.		

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<b>Part 1610</b>			<b>Program Integrity</b>		
§ 1610.6	03/06/09	EX-2009-1001	1610.6 exception applies to separately funded civil right to counsel family law program funded through public defender office and providing counsel in cases related to actual or potential criminal cases.	Legal Services New York City	§1010(c); 42 U.S.C. § 2996i(c); Pub.L. No. 104-134, §504, 110 Stat. 1321, 1321-53-56 (1996)
§ 1610.8	09/10/08 (missing)	EX-2008-1004	Grantee maintains 1610.8 program integrity while subletting a portion of its space for the wholly separate use by another entity. OPINION IS MISSING.	MidPenn Legal Services (PA)	
§ 1610	05/08/06	EX-2006-1002	Reporting of criminal cases for CSR purposes and funding of those cases depending on whether they involve offenses that may be punishable by a jail sentence.		§1613 §1007(b)(2) 42 U.S.C. §2996f(b)(2)
§ 1610.8	07/15/05	EX-2005-1002	Does a proposed configuration of a grantee with an entity that engages in restricted activities satisfy the 1610.8 program integrity requirement?		
§ 1610	09/17/04	EX-2004-1005	Whether the Dauphin County Bar Association's is consistent with the Legal Services Corporation's program integrity requirements, 45 CFR Part 1610.	MidPenn Legal Services (PA)	§1610.8(a); §1610.2(a) and (b); §1610.8(a)(3);
§ 1610.8	12/01/03	EX-2003-1015	Program Integrity Analysis of Relationship Between LSC Recipient ALSC and non-LSC pro bono entity APBP including sharing of insurance policy.		
§ 1610	06/24/03	EX-2003-1009	Part 1610 Program Integrity Configuration Proposal from LSNY for Justice Centers (Dobbins litigation)—follow up opinion.	Legal Services of New York City, South Brooklyn Legal Services, Farmworker Legal Services of New York	1610.8(a); §1610.8(a)(1), (2), & (3)
§ 1610	05/08/03	EX-2003-1008	Part 1610 Program Integrity Configuration Proposal from LSNY for Justice Centers (Dobbins litigation).		
§ 1610 § 1610.7(C) § 1610.8	01/13/03	EX-2003-1001	Transfer, Subgrant and PAI Questions Involving Technology Grants		§ 1614 § 1614.3 § 1627 § 1627.2(b) § 1627.2(g) § 1627.6(a)

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§1610 §1610.1 §1610.2(g) §1610.3(g) §1610.8(a)(2) §1610.8(a)(3)	12/13/02	IN-2002-2008 (Released)	Transfer, Subgrant and Subsidy Considerations for LSC Grantees Participating in Statewide Websites using LSC funds. Use of LSC funds for non-programmatic services outside of 1610 & 1627. Subsidy analysis for participation in statewide websites by LSC grantees.		§1627 §1627.1 §1627.2(b) §1627.2(b)(1)
§1610 §1610.7(b)(2) §1635 §1635.1 §1635.3(b)(1)	07/19/02 (missing)	EX-2002-1009	Are <i>pro bono</i> coordinators of sub-grantee, not acting as attorneys, subject the time keeping requirements of LSC regulation § 1635? (yes) OPINION IS MISSING.		
§ 1610 § 1613	05/07/02	EX-2002-1005	Representation of homeless people on misdemeanor warrants and tickets.		45 C.F.R. § 1615 45 C.F.R. § 1637
§ 1610.8 § 1610.8(a)	08/25/00	EX-2000-1018	Whether the proposed integration of the Boards of Directors of 2 programs is consistent with the LSC program integrity requirements (Yes.)		
§ 1610.6	07/20/00	EX-2000-1017	Permissibility of Contracts for Public Defender Services by LSC Recipients		§ 1613.3 § 1613.4
§ 1610.7 § 1610.8	02/01/00	EX-99-31	Overlap of Board or Staff of Grantees and Subgrantees or competing Organizations		§ 1607.3 § 1607.5
§ 1610.8(a)(3) § 1610.8(a)(3)(1)	12/06/99		Whether program's IOLTA plan is consistent with program integrity requirements.		
§ 1610	10/20/99 (unavailable, check INTERNAL OPS)		For Opinion re:Atlanta and provision of legal aid to HIV positive Prisoners, SEE INTERNAL OPINIONS		Part 1637
§ 1610.8 § 1610.8(a) § 1610.8(a)(1) § 1610.8(a)(2) § 1610.8(a)(3)	09/16/99		Whether program's proposed relationship with separate organization that would engage in restricted activities would meet the program integrity requirements of § 1610.8.		45 C.F.R. Part 1642 45 C.F.R. § 1642.4 45 C.F.R. § 1642.6

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§ 1610.8	07/01/99		Whether program may use its LSC funds to support foundation formed solely to raise funds for that program, in particular whether the fundraising effort would violate the program integrity regulations in 45 C.F.R. § 1610.8.		45 C.F.R. Part 1612 45 C.F.R. Part 1630 45 C.F.R. § 1630.3(a)(2) 45 C.F.R. § 1630.3(a)(3) 45 C.F.R. § 1630.3(a)(4) 45 C.F.R. § 1630.3(b) 45 C.F.R. § 1630.5(b)(3) 45 C.F.R. § 1630.5(c)
§ 1610.2(a)(4) § 1610.2(a)(5) § 1610.2(b)(7) § 1610.2(b)(11) § 1610.6 § 1610.6(b)	06/21/99		Whether § 1610.6(b) provides a safe harbor for court appointments to civil cases.		§ 1010(c) 42 U.S.C. § 2996f(b)(2) 42 U.S.C. § 2996f(b)(3) 45 C.F.R. Part 1613 45 C.F.R. Part 1615 45 C.F.R. Part 1637 45 C.F.R. § 1637.3
§ 1610.2(a)(4) § 1610.2(a)(5) § 1610.2(b)(7) § 1610.2(b)(11) § 1610.6 § 1610.6(a) § 1610.6(b)	04/13/98		Whether program is eligible to apply for an award for financial assistance from LSC even though program provides representation to individuals in criminal matters pursuant to appointments by federal, state or local courts.		§ 1010(c) 42 U.S.C. § 2996i(c) 45 C.F.R. Part 1607 45 C.F.R. Part 1626 45 C.F.R. Part 1637
§ 1610.8	01/27/98		Programs program integrity analysis of Pine Tree Legal Assistance affiliation proposal.		
§ 1610.8	09/10/97		Programs program integrity analysis of LSNY proposal for Queens/Queens II ( <i>Velazquez</i> litigation).		
§ 1610.1(a)-(j) § 1610.2(a) § 1610.2(b) § 1610.4(b) § 1610.4(d)	09/03/96		Whether program's involvement in activities under a grant from state's department of housing and community affairs for community and economic development would be consistent with LSC requirements and restrictions.		



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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1610	05/19/95		Whether serving financially ineligible clients under HUD agreement with public funds violates the LSC Act or regulations.		42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996i(c)
§ 1610.3	07/18/91		Whether program may use LSC funds or non-LSC funds to provide representation for a putative father who is seeking to enjoin mother from procuring an abortion.		§ 1007(b)(4) § 1007(b)(6) § 1007(b)(7) § 1007(b)(8) § 1007(b)(9) § 1007(b)(10) § 1010(c) 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996i(c)
§ 1610	02/23/89		Whether the funds from program's trust fund are public or private.		§ 1010(c) 42 U.S.C. § 2996i
§ 1610.1 § 1610.1(d) § 1610.2 § 1610.3	03/26/87		Propriety of program charging fee for the representation of clients in Social Security cases.		§ 1002(6) § 1006(a)(1)(A) § 1007(b)(1) § 1010(c) 31 U.S.C. § 6503(b) 42 U.S.C. § 1397d 42 U.S.C. § 1397e 42 U.S.C. § 2996a(1)(A) 42 U.S.C. § 2996f(b) 42 U.S.C. § 2996f(b)(1) 42 U.S.C. § 2996l(c) 42 U.S.C. § 3022(4) 45 C.F.R. § 1321.73 45 C.F.R. § 1321.151(c)(3)(v) i) 45 C.F.R. Part 1609 45 C.F.R. § 1609.2 45 C.F.R. § 1609.3 45 C.F.R. § 1609.4(d) 45 C.F.R. § 2609.2

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§ 1610.3	08/11/81		Clarification on the applicability of Parts 1612 and 1610 of LSC's regulations to activities funded under Title III of the Older Americans Act.		
§ 1610.3	09/25/78		Whether legal services programs funded by the LSC could use federal funds provided under Title III of the Older Americans Act to give legal assistance to individuals who are financially ineligible for assistance under a program's eligibility guidelines pursuant to Part 1611 of LSC's regulations.		
§ 1610.2 § 1610.3	11/10/76		Whether it would violate paragraph 18 of the National Juvenile Law Center's contract with LSC for it to accept a grant of LEAA funds.		§ 1006(a)(1)(A) § 1010(c) 45 C.F.R. Part 1611
§ 1610	09/08/76		Question concerning the use of funds by sources other than LSC---whether purpose prohibited by LSC Act must be specifically authorized by the other granting agencies.		

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PARTS 1611 – END.

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All dates are in mm/dd/yr format. January 1, 2002 is 01/01/02

*Research note: This document was prepared for internal reference only by OLA staff familiar with the documents indexed. The entries may be incomplete or not clearly intelligible to others. Some opinions are no longer valid due to changes in the applicable laws, regulations, or other authorities. Some opinions may have been superseded by subsequent opinions or by policy directives. The index is not a substitute for reviewing the actual opinions.*

***Please contact OLA for research assistance.***

LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
<b>Part 1611</b>			<b>Eligibility</b>		
§1611.7(a)	09/03/09	AO-2009-1006	Recipients are obligated to inquire into income prospects for all applicants; the scope of the necessary inquiry need only be "reasonable."	NJP; CLS	

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1611.2(d) § 1611.2(i) § 1611.4 § 1611.4(a) § 1611.7(a)(1) § 1611.7(c) § 1611.9(a)	09/10/08	EX-2008-1003	ALS is obligated to meet LSC's "citizenship or eligible alien verification" and "signed written retainer agreement" requirements in each of its extended service cases. See 45 C.F.R. Parts 1611 and 1626. A court order or other authoritative document from the court which includes a court provided statement evidencing a minor client's U.S. citizenship can serve as independent proof of a minor client's citizenship status in satisfaction of §§ 1626.6-1626.7. Where a state court has appointed a public defense corporation to serve as a minor's legal representative in connection with a specific legal or court proceeding, that court-appointed public defense corporation may, for purposes of LSC's regulations, execute, on the minor's behalf, a written retainer agreement with the recipient providing for the recipient's representation of the minor in the legal matter or proceeding assigned by the court, provided that such representation would not involve any LSC restricted activities and a copy of the documentation evidencing the underlying court appointment for such representation is kept in the recipient's file. If the representation in a case is supported wholly by non-LSC funds and ALS wants to include the case in its CSR, then ALS must, for each case reported, (1) ensure that the client in such case meets all LSC financial eligibility requirements and (2) comply with all documentation requirements.	Anishinabe Legal Services	§ 1626.6 § 1626.7
§ 1611	11/02/06	EX-2006-1008	Recipient must apply same financial eligibility standards to potential client member of Board as it would apply to applicant for LSC-funded legal assistance.		§ 1607
§ 1611.9 § 1611.3	09/21/04	EX-2004-1006	Although there is no general duty to reassess the financial eligibility of a client, if a recipient becomes aware of a change in the client's financial circumstances, the recipient must reassess eligibility.		42 USC 2996f
§ 1611.2	04/02/03	EX-2003-1007	Definition of Family Unit When Household is Split into Two Residences		

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1611 § 1604 § 1620.4	01/25/02 (Summerlin)	EX-2002-1002	<ol style="list-style-type: none"> <li>1. Can LSC-funded staff, during the regular course of employment, assist reservists with wills and power of attorney documents, regardless of income, under some 'emergency' exception?</li> <li>2. If LSC-funded staff volunteer during their personal time to prepare wills and power of attorney documents for individuals who are not income eligible, can LSC-funded equipment and facilities be used to prepare these documents?</li> <li>3. Can a program Board of Directors amend its eligibility guidelines to raise the eligibility threshold from 125% of poverty to 187.5% of poverty, limiting the increased threshold to reservists who are faced with being called up for active duty?</li> </ol>		
§ 1611	01/25/02 (Greenfield)	EX-2002-1001	Whether income and resource restrictions may be waived for 9/11 victims.		§1620.4
§ 1611	10/22/01		Comprehensive evaluation under 1611 income eligibility determinations for applicants with gross incomes above 125% of poverty.		
§ 1611.7	07/30/01		Whether a program was proper in releasing information obtained from a client for purposes of eligibility screening, when the client's case was ultimately handled by a private attorney through PAI.		
§ 1611 § 1607	07/11/01		Whether a senior who is represented with OAA funds is an "eligible client member" within the meaning of 45 C.F.R. 1607, in light of the fact that recipients of OAA funds are not permitted to use a means test in determining client eligibility.		
§ 1611.2 § 1611.3 § 1611.4(a)(1) § 1611.5(b)(1)(B)	04/03/01		Whether health insurance premiums paid for by prospective client and not reimbursed by an employer or other external source may be considered a medical expense for purposes of determining financial eligibility under LSC regulations.		
§ 1611.5 § 1611.5(b)(1)(C) § 1611.5(b)(1)(F)	02/02/01		Clarification on EX-2000-1015: current income taxes may not be routinely deducted from gross income under 45 C.F.R. § 1611.5 when determining client income eligibility.		

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§ 1611.2 § 1611.4 § 1611.5(b)(1)(C) § 1611.5(b)(1)(F)	07/20/00		Response to question concerning the deductibility of current (as opposed to past) income taxes from gross income when making determinations of income eligibility for prospective clients.		42 U.S.C. § 2996(f)
§ 1611.3	07/05/00		Recipients are free to set income limits below the maximum established in 45 C.F.R. § 1611.3.		
§ 1611.2 § 1611.5	06/21/00		What constitutes a "family unit" for purposes of determining client eligibility under 45 C.F.R. Part 1611? Specifically, whether cohabiting couples without biological children must be counted as separate family units for income eligibility determinations. (Recipient has discretion to treat such individuals as one family unit, based on program's evaluation of their circumstances, resources and needs.)		
§ 1611.2 § 1611.4(a) § 1611.4(a)(2) § 1611.5(b)(1)	12/08/99		Whether FEMA is the type of government program that permits client eligibility to be determined under § 1611.4(a)(2).		
§ 1611.3(d) § 1611.4 § 1611.5(b)(1)(C) § 1611.5(b)(2)(D) § 1611.5(c) § 1611.6(d)	12/03/99		I. How to determine eligibility for farmers---whether recipient may take into account the costs of running a farm; II. Whether program must determine citizenship for group clients pursuant to LSC's rule on alien eligibility, 45 C.F.R. Part 1626.		45 C.F.R. Part 1626
§ 1611.2	11/01/99		Whether social security benefits count as income for purpose of determining eligibility for legal services.		42 U.S.C. § 2996f(2)(B)(i)
§ 1611.2 § 1611.9	10/15/99		Request for interpretation of the definition of "income" in 45 C.F.R. Part 1611.		
§ 1611	09/08/99		Question concerning the proper income to attribute to foster child for statistical reporting purposes---specifically whether the income to be reported is that of the foster child, of the foster family, or of the State guardian.		

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§ 1611	08/27/99		Whether program should consider Native American tribe's trust funds as income for client eligibility under 45 C.F.R. Part 1611.		25 U.S.C. §§ 117a-117c 25 U.S.C. § 1407 25 U.S.C. § 1408 42 U.S.C. § 301 <u>et seq.</u> 42 U.S.C. § 2996d(e)(1)
§ 1611.8(a) § 1611.8(b)	08/09/99		Application of LSC retainer agreement requirement to cases referred by recipients to private attorneys under a recipient's Private Attorney Involvement program.		§ 1007(a)(1)
§ 1611.3(a) § 1611.3(d) § 1611.4	04/10/98		Whether program must apply income and alien eligibility requirements to its Violence Against Women Act (VAWA) grant.		45 C.F.R. Part 1610 45 C.F.R. Part 1626 45 C.F.R. § 1626.2(f) 45 C.F.R. § 1626.2(g) 45 C.F.R. § 1626.4
§ 1611 § 1611.8(b)	04/09/98		Whether program may enter into a contract with local courts to provide assistance to person, some of whom may be aliens, who have filed <i>pro se</i> before the court, without the need to comply with the alien eligibility requirements of 45 C.F.R. Part 1626 and the retainer agreement requirement of 45 C.F.R. Part 1611 (Yes).		§ 1626.3 § 1626.6(a) § 1626.7(a)
§ 1611.8	12/05/95		Request for approval of PAI application for referral		
§ 1611	10/07/94		Whether subrecipient is proper in charging an administrative fee for legal services to eligible clients.		
§ 1611	08/02/94		Question of eligibility of a client.		
§ 1611.5(b) § 1611.5(b)(1)(C) § 1611.6(c)	11/01/93		Whether mortgage payments are to be considered as "fixed debts and obligations" for purposes of 45 C.F.R. Part 1611.		
§ 1611	10/28/93		Whether charging an eligible client a fee for legal assistance constitutes violation of the LSC Act.		42 U.S.C. § 2996 <u>et seq.</u>
§ 1611.5(c)	09/28/93		Whether legal assistance may be provided by recipient program to organization called "Community Activists for Christ"---specifically whether the use of LSC funds to provide legal assistance to this organization would violate the Establishment Clause.		42 U.S.C. § 2996d(e)(1)



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§ 1611.2 § 1611.6 § 1611.6(c) § 1611.7(a)	05/12/93		Whether disabled adult must be rendered ineligible for legal assistance if she lives at home with her mother and stepfather whose income exceeds the limits established by program.		
§ 1611	04/28/93		I. Whether LSC determines income eligibility based upon the income of the alleged incompetent or whether they look to income of person contacting them, who is normally a relative seeking to be appointed guardian or conservator for family member; II. Whether program is allowed to provide services for an elected official whose duties include acting as guardian/conservator for persons who do not have family members or friends to serve in that capacity; III. Whether program can provide legal services in any case in which the alleged incompetent does not desire a guardian or conservator.		45 C.F.R. Part 1620
§ 1611.2	01/05/93		Whether income of live-in boyfriend/girlfriend should be considered in determining applicant's eligibility for LSC-funded legal assistance.		42 U.S.C. § 2996b(a) 42 U.S.C. § 2996f(a)(1)
§ 1611.4(a)	11/12/92		Whether § 1611.4(a) is calculated by multiplying 150% by the national poverty line or by multiplying 150% by the national eligibility level of 125% of the poverty line.		
§ 1611.5(c)	08/03/92		Whether program may represent certain groups using LSC funds for the purpose of assisting such groups in securing guardianships of certain low-income elderly individuals.		
§ 1611.3(e) § 1611.6(e)	05/19/92		Request for waiver of income/asset guidelines under 45 C.F.R. Part 1611.		
§ 1611	05/12/92		Response to Congressman Solomon's request for assisting individual who was denied legal assistance because program was already representing individual's brother in matter that was directly adversarial to his position.		
§ 1611.8(a)	01/31/92		Response to request for approval of program's revised retainer agreements.		45 C.F.R. § 1626.5(a)
§ 1611.2	01/08/91		Eligibility of applicant who rents a room from her uncle at a reduced rent and is seeking legal assistance regarding an automobile purchased in part through a loan to the applicant from her uncle.		§ 1007(a)(2)(A) 42 U.S.C. § 2996f(a)(2)(A) 20 C.F.R. § 416.1132(c)(2) 45 C.F.R. § 1611.7(b)

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§ 1611.5 § 1611.8	09/20/89		Whether a State Support Center may engage in class action litigation without having a named client.		
§ 1611.5(b)(3)(c)	05/19/89		Propriety of representing local nursing home for purpose of securing limited guardianships for several patients who are eligible clients.		
§ 1611	04/04/89		Applicability of the Domestic Volunteer Services Act to the eligibility requirements of the LSC.		42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996b 42 U.S.C. § 2996e 42 U.S.C. § 4951 <u>et seq.</u> 42 U.S.C. § 5044 42 U.S.C. § 5044(g)(1)
§ 1611	10/21/88		I. Eligibility criteria; II. Consequences of recipient representing ineligible client.		42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996b(a) 42 U.S.C. § 2996e(a) 42 U.S.C. § 2996e(c)
§ 1611.4 § 1611.5(b)(1)(C) § 1611.5(b)(1)(D)	04/13/88		Applicability of 45 C.F.R. Part 1611 to a hypothetical client, who is single and has an annual income of \$13,608 with \$445 monthly car payments and \$220 monthly mortgage payments.		

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§ 1611.3	05/26/87		Questions relating to program's problem with state court judge who appoints program's attorneys to various cases.		§ 1006(d)(6) 42 U.S.C. § 2996e(d)(6) 42 U.S.C. § 2996f(a)(2)(C) 45 C.F.R. § 1604.4 45 C.F.R. § 1604.4(a) 45 C.F.R. § 1604.4(b) 45 C.F.R. § 1604.5 45 C.F.R. Part 1605 45 C.F.R. Part 1609 45 C.F.R. Part 1620 45 C.F.R. § 1620.2(a)
§ 1611	01/22/86		Whether applicant, who is beyond the age of majority and who lives with her mother is eligible for legal services to help obtain a divorce.		
§ 1611	10/31/85		Eligibility of applicant who, though previously "pair-bonded" with her current housemate, is no longer supported by that housemate.		
§ 1611	10/08/85		I. Whether grant recipient has right to petition and receive attorney's fee in Social Security claims adjudicated at the administrative level; II. Whether there has been any directive or correspondence from LSC to the Department of Health and Human Services prohibiting the payment of these fees?		
§ 1611	07/23/85		Whether program's stated policy regarding fee-generating cases violates LSC Act or regulations.		§ 1007(a)(2) § 1007(b)(1) 42 U.S.C. § 2996f(a)(2) 42 U.S.C. § 2996f(b)(1) 45 C.F.R. Part 1609
§ 1611	05/31/85		Whether program's policy violates LSC Act or regulations.		
§ 1611.2 § 1611.9	02/20/85		Whether all or part of client's Veterans Administration Educational grant should be counted in determining her financial eligibility for legal representation.		
§ 1611.8(a)	08/27/84		Grantee's internal personnel/disciplinary problems		45 C.F.R. § 1618.4(c)

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§ 1611	07/30/84		Program's representation of Habilitation and Training Services, Inc. (HATS).		
§ 1611.4	06/05/84		Appropriateness of continued representation of Habilitation and Training Services, Inc. (HATS), a non-profit, non-membership corporation with tax exempt status, under LSC's new eligibility requirements.		§ 1007(a)(2)(C) 45 C.F.R. Part 1620
§ 1611.4(a)(1) § 1611.4(a)(2) § 1611.4(b)(1) § 1611.4(b)(2) § 1611.5(b)(1) § 1611.5(b)(2) § 1611.6 § 1611.6(b) § 1611.6(e)	05/17/84		I. If a person is eligible for representation under the exception in § 1611.4(a)(2) must the factors in § 1611.4(b)(1) and (b)(2) be considered as well? II. If a person is within the income guidelines, but has assets exceeding the ceiling, must the program consider the factors in § 1611.5(b)(1) and (b)(2)?		45 C.F.R. Part 1620
§ 1611.5 § 1611.5(b)(c)	05/08/84		Applicability of § 1611.5 to the eligibility of individual---local program is not authorized to provide representation to person whose income is above the authorized maximum, solely because that person is unable to afford private representation.		
§ 1611.4(2) § 1611.5(b) § 1611.5(b)(1) § 1611.5(b)(2)	05/07/84		I. If a person is eligible for representation under § 1611.4(2) because the person is seeking legal assistance to secure benefits provided by a government program for the poor, must program consider other factors listed in paragraphs § 1611.5(b)(1) and (b)(2) in addition to gross income? II. Income guidelines and assets---if a person is within the income guidelines, but has assets exceeding LSC's ceiling, is program required nevertheless to consider the other factors listed in § 1611.5(b)(1) and (b)(2)?		
§ 1611.5(c)	04/09/84		Request for guidance regarding continued representation of HATS---confusion as to whether organization is eligible because LSC regulations state an organization must be "primarily composed of persons eligible for legal services" and HATS is a non-membership corporation.		
§ 1611.8	02/13/84		Application of 45 C.F.R. § 1611.8, requiring a written retainer agreement where representation is provided by a private attorney who is compensated for services by Wisconsin Judicare.		§ 1007(a)(1) § 1008(a) § 1008(b)

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§ 1611.8	12/28/83		Whether requirement for retainer agreements in the revised 45 C.F.R. § 1611 applies to private bar involvement programs (yes, the retainer agreement requirement applies to all legal services rendered by recipients, whether through staff attorneys or through various forms of private bar involvement programs.		
§ 1611.5 § 1611.5(c) § 1611.5(c)(2) § 1611.5(c)(3)	05/13/83		Opinion interpreting several provisions of § 1611.5, concerning group representation: I. Whether resolution adopted by program's board complies with § 1611.5(c); II. Eligibility of a particular group (Political Civic Voters Organization---group is NOT eligible because there is nothing in any documentation that relates the purposes of the organization to the interests of persons eligible for legal assistance, furthermore stated purpose of group is unclear); III. Whether the expenditure of LSC funds for litigation costs is an appropriate use of grant funds.		§ 1006(a)(1)
§ 1611	06/17/82		Treatment of non-liquid assets for purposes of determining financial eligibility.		
§ 1611.3(c)	05/18/82		Nothing in LSC Act or regulations prohibits a program from setting different financial eligibility standards for various case types.		45 C.F.R. Part 1620
§ 1611.2 § 1611.4(c) § 1611.5(c) § 1611.5(c)(1) § 1611.5(c)(2) § 1611.5(c)(3)	02/24/82		I. Treatment of income from Social Security disability benefits; II. Proper method of qualifying groups for representation under the regulations.		
§ 1611.4 § 1611.5 § 1611.7	02/04/82		Whether an estate could be an eligible client under LSC Act and regulations.		
§ 1611.5(c)	01/20/82		What guidelines currently apply in determining the financial eligibility of group clients and whether the LSC Act prohibits programs from spending LSC money on redistricting litigation.		
§ 1611	09/29/81		Client eligibility requirements		45 C.F.R. Part 1060.2-2(d)(1)

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§ 1611.7	08/17/81		Opinion regarding client who has become financially ineligible for legal services---under 45 C.F.R. § 1611.7, when such a change of circumstances occurs, the program should determine whether the change of circumstances is sufficiently likely to continue for the client to afford private legal services and, if so, seek to withdraw from representing the client if such withdrawal can be made consistent with the attorney's professional responsibility.		
§ 1611	07/27/81		Maximum income level guidelines are mandated by Congress and are neither self-serving nor confidential.		§ 1007(a)(2) 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996f(a)(2)
§ 1611.2 § 1611.3(a)	07/15/81		Response to letter challenging program's representation of client who allegedly owns home with an unencumbered equity interest of approximately \$11,500 (allegation in complaint does not suggest violation of LSC Act or regulations.)		
§ 1611.5(c)	06/04/81		Eligibility of groups---Congress never intended to prohibit the representation to groups.		42 U.S.C. § 2996f(b)(7)
§ 1611.4	05/28/81		Explanation of statutory authority that allows LSC to grant exceptions to the income levels published in the appendix of Part 1611.		§ 1007(a)(2)(A) § 1007(a)(2)(B)
§ 1611.2 § 1611.3(b) § 1611.4(a) § 1611.5 § 1611.5(b) § 1611.5(b)(6) § 1611.5(b)(7)	03/05/81		Proper method of determining the financial eligibility of an applicant for services.		
§ 1611	01/12/81		Eligibility criteria---question from applicant who is eligible for services from one program in Virginia, but not from another even though he had the same financial resources in both localities (the fact that 2 local programs have different eligibility criteria is consistent with the LSC Act.)		
§ 1611.6(a) § 1611.6(b)	12/24/80		Whether it is permissible for legal services programs to require clients to verify their financial information before representing them.		
§ 1611.5(b)(3) § 1611.5(b)(5) § 1611.5(b)(6) § 1611.5(b)(7)	08/04/80		Representation of developmentally disabled minors whose parents are ineligible for legal services.		42 U.S.C. § 2996f(a)(2)(A) 45 C.F.R. Part 1617

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§ 1611.4(b)	07/17/80		Whether defendant in civil welfare fraud case is eligible for legal services notwithstanding excess income and resources under 45 C.F.R. § 1611.4(b) as a "person...seeking legal assistance to secure benefits provided by a governmental program for the poor?"		
§ 1611	05/13/80		LSC views on the inclusion of food stamp benefits as income under the poverty guidelines (LSC strongly opposes such inclusion).		§ 1007(a)(2)
§ 1611	04/29/80		Eligibility of religious groups for representation by program, where the religious group is otherwise eligible under Part 1611.5(c) of LSC regulations.		42 U.S.C. § 2996 <u>et seq.</u>
§ 1611.3(c)	04/16/80		Whether resolution adopted by program's board of directors complies with Part 1611.		
§ 1611	03/04/80		Whether municipalities are eligible for legal assistance from recipient programs.		§ 1007(a)(2)(C) 42 U.S.C. § 2996 <u>et seq.</u>
§ 1611	01/10/80		Determining client eligibility		42 U.S.C. § 2996
§ 1611.5(c)	09/07/79		Guidance in dealing with requests for recognition and funding of groups claiming to represent program clients.		
§ 1611.3(d) § 1611.4 § 1611.4(a) § 1611.5(b)(6) § 1611.5(b)(7) § 1611.5(c)	08/14/79		Circumstances in which a LSC-funded legal services program may represent individuals who seek to advance the interests of a larger group or class.		42 U.S.C. § 2996f(a)(2) 45 C.F.R. Part 1609 45 C.F.R. § 1609.4
§ 1611.5 § 1611.5(b) § 1611.5(b)(2) § 1611.5(b)(8)	08/07/79		Program's policy of not serving persons who are "able-bodied, have no dependents and are unemployed by choice" violates Part 1611.		
§ 1611.5(b) § 1611.5(b)(3) § 1611.5(b)(7)	07/30/79		Clarification of § 1611.5(b)(3), concerning the treatment of medical expenses in determining eligibility.		
§ 1611.5(b) § 1611.5(b)(3) § 1611.5(b)(1)-(4) § 1611.5(b)(6)-(8)	07/02/79		Client eligibility---factors to consider		
§ 1611.5(b)	06/10/79		Complaint that client had income sufficient to permit him to hire a private attorney and therefore, should not be represented by legal services program.		45 C.F.R. § 1609.3 45 C.F.R. § 1609.4(a)(2) 45 C.F.R. § 1609.4(a)(3)

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1611.3(b)	06/01/79		Whether LSC's eligibility guidelines require that programs set the maximum income level at 125 percent of the 1979 official poverty threshold (No, the regulations only require that a program's guidelines not exceed that level).		
§ 1611.2 § 1611.3(d) § 1611.5(b)(3) § 1611.6(a)	05/23/79		Whether transfer payments, such as food stamps or Medicaid, should be included in determining eligibility for legal services.		
§ 1611	05/17/79		I. Whether a person who resides in and is eligible for legal services in one county go to an adjoining county and have a legal services program there represent him in his county of residence; II. If a legal services program is disqualified from representation "adverse to [a] former client," must representation also be refused by a separate legal services program operating in an adjoining county?		
§ 1611.2 § 1611.4(c)	01/30/79		Whether governmental benefits not necessarily based on need are included within the definition of a "governmental income maintenance program," for purposes of determining eligibility under Part 1611.		
§ 1611.5(b)	01/24/79		Propriety of using LSC funds to partially finance a senior citizen's law unit, some of whose clients are not financially eligible to receive legal assistance under LSC's eligibility guidelines.		
§ 1611.7	01/22/79		Whether it is proper for a contract panel attorney who has convinced an insurance carrier of its obligation to defend a legal services client to accept the carrier's offer to retain him for that purpose.		
§ 1611	01/05/79		Whether a means test may be imposed on clients served with Title III funds.		
§ 1611.5(c)	12/13/78		Whether program's proposed plan for representation of groups is permitted under LSC Act and regulations.		
§ 1611	11/28/78		Representation of illegal aliens by recipient programs.		
§ 1611	09/25/78		Whether legal services programs funded by the LSC can use federal funds provided under Title III of the Older Americans Act, to give legal assistance to individuals who are financially ineligible for assistance under a program's eligibility guidelines.		45 C.F.R. § 1610.3
§ 1611.5(c) § 1611.5(c)(1) § 1611.5(c)(2) § 1611.5(c)(3)	08/14/78		Whether group which designates board member must itself be eligible for legal assistance (No).		



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§ 1611.5(c) § 1611.5(c)(1) § 1611.5(c)(2) § 1611.5(c)(3)	08/11/78		Whether programs funded by LSC may represent political entities such as local recreation districts (No).		
§ 1611.7	06/19/78		Whether program may continue to represent certain clients who are no longer eligible (No, unless ethical requirements of state bar require program attorney to remain in case).		
§ 1611.6(b) § 1611.6(c)	03/10/78		Whether program's board of directors can require a potential client applying for legal representation to sign a waiver of the attorney-client privilege, in order to permit the board to review financial eligibility information furnished by the client (No).		§ 1006(b)(3) § 1007(a)(1) § 1009(d)
§ 1611.4 § 1611.5(b) § 1611.5(b)(5) § 1611.5(b)(6)	02/15/78		Eligibility determinations		
§ 1611.4(a) § 1611.5 § 1611.5(b) § 1611.5(b)(6) § 1611.5(b)(7) § 1611.5(d)	01/16/78		Clarification of eligibility determinations--- regarding words "one or more" in § 1611.4(a).		§ 1007(a)(1) 42 U.S.C. § 2996f
§ 1611.6(c)	01/12/78		Whether releasing eligibility information to LSC would waive the attorney-client privilege.		45 C.F.R. § 1611.6(c)
§ 1611.6(a) § 1611.6(c)	(unknown date)		Whether any provision of law authorizes opposing counsel, judges, or opposing parties to inquire into the financial eligibility of legal services clients (No).		§ 1004(f) § 1006(b)(1) § 1006(b)(3) § 1007(a)(1) § 1007(a)(2) § 1009(d) § 1011 42 U.S.C. § 2996e 42 U.S.C. § 2996f 42 U.S.C. § 2996h 42 U.S.C. § 2996j 45 C.F.R. Part 1618
§ 1611.6(c)	12/19/77		Question concerning disclosure of the identity of legal services clients or of the financial eligibility information furnished by them to any person who is not employed by the legal services program.		§ 1006(b)(3) § 1009(d)
§ 1611.5(d) § 1611.7	11/01/77		Whether LSC regulations permit representation of an Indian tribe.		45 C.F.R. Part 1609

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§ 1611.7	06/23/77		Whether program attorney can act as co-counsel for client who was financially eligible for legal services at the time program accepted case, but is now able to afford private counsel.		45 C.F.R. § 1609.7(c)
§ 1611.6(c)	05/24/77		Whether it would violate § 1611.6(c) or Disciplinary Rule 4-101(B) of the ABA Code of Professional Responsibility for program to disclose client information contained in survey.		§ 1009(d) 42 U.S.C. § 2996h(d)
§ 1611.2 § 1611.4(b) § 1611.4(c) § 1611.5(b)(2) § 1611.5(b)(8)	04/11/77		Why money received from the sale of real property should be excluded from the definition of "income" in § 1611.2.		§ 1007(a)(2)(B) 45 C.F.R. Part 1620
§ 1611	03/11/77		Guidance concerning the treatment of taxes paid by an applicant for legal services---while LSC income guidelines use gross figures in establishing maximum income levels, the regulation requires that taxes be deducted before finally determining eligibility.		
§ 1611.2 § 1611.4(b)	02/07/77		Whether veterans' benefits are derived from a "governmental income maintenance program" as defined in § 1611.2.		38 U.S.C. § 415 38 U.S.C. § 521
§ 1611.6(c)	01/25/77 (no name)		Disclosure of identity of legal services clients or of the financial eligibility information furnished by them to any person who is not employed by the program.		§ 1006(b)(3) § 1009(d)
§ 1611.6(c)	01/25/77 (Eldridge)		Right of a trial judge to inquire into the financial eligibility of a legal services client.		§ 1006(b)(3) § 1009(d)
§ 1611.3(e)	01/19/77		Whether LSC regulation governing eligibility prevents program from providing legal assistance pursuant to grant under the Older Americans Act, which prohibits a means test for its services.		
§ 1611.4(b) § 1611.5(b)(5)	01/06/77		LSC Regulations Committee decided not to include OASDI benefits as "governmental income maintenance programs" because the eligibility of those benefits is not determined on the basis of financial need, and many people with substantial income from other sources receive such benefits.		
§ 1611.2 § 1611.6(c)	12/27/76		I. Whether it is proper under LSC regulations to disclose information about a specific client's eligibility to program's board of directors; II. Whether prior approval of the board can be required before the program may undertake a case on behalf of a specific group, organization, or corporation.		45 C.F.R. § 1607.4(b) 45 C.F.R. Part 1609 45 C.F.R. § 1609.4(b)

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§ 1611.5(b)	12/22/76		Problems programs have encountered in determining eligibility for elderly persons who receive both pensions and social security benefits.		
§ 1611.6(a)	12/20/76		Whether it violates LSC Act or regulations for program to carry out a survey of clients, as requested by program's board of directors.		§ 1006(a)(1)(A) § 1007(b)(1)
§ 1611	09/08/76		Appropriate scope of state audit review of the identity of program's clients and of financial eligibility information provided by them in order to qualify for representation.		§ 1008(a) § 1009(d)
§ 1611	06/14/76		Whether it is ethically proper for a staff attorney to divulge to the board financial eligibility information furnished to the program by a named client.		§ 1008 § 1009(d)
<b>Part 1612</b>			<b>Restrictions on Lobbying</b>		
§1612.7	06/23/09	AO-2009-1005	Whether a recipient full time staff attorney's participation in a public demonstration while on leave during a normal work day violates 45 CFR §1612.7(a).		
§1612 §1612.6(f)	06/07/06	EX-2006-1003	Grantee Board Member May Engage in Fundraising Lobbying Activities under Part 1612		
§ 1612.6	09/16/03	EX-2003-1013	Whether attorney participation on own time with no use of recipient funds in Commission to compile labor laws at request of legislator violates 1612? (No.)		45 C.F.R. Part 1604
§ 1612.1(f) § 1612.2 § 1612.6 § 1612.6(a) § 1612.6(c)	04/05/95		Whether the involvement of one of Appalachian Research and Defense Fund, Inc.'s (ARDF) attorneys in negotiated rulemaking activities required by federal law and paid for with non-LSC funds violates any restrictions in 45 C.F.R. Part 1612.		20 U.S.C. § 1098a 45 C.F.R. Part 1610 45 C.F.R. § 1610.3
§ 1612.1(d) § 1612.5(h)(4)	03/17/94		Whether restrictions in 45 C.F.R. Part 1612, "Restriction on Lobbying and Certain Other Activities," prohibits a program's staff attorney from participating in certain State Bar Association activities.		§ 1007(a)(5) 42 U.S.C. § 2996f(a)(5)

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§ 1612.12(c) § 1612.12(c)(2)(i)	01/05/94		What action(s), if any, program needs to take pursuant to the LSC Act and Parts 1608 and 1612 of the LSC regulations, against the managing attorney at program, who has been accused of engaging in prohibited political activities.		§ 1006 § 1006(d)(3) § 1006(e)(1) § 1006(e)(2) § 1007(a)(6) 5 U.S.C. § 1502 5 U.S.C. § 1502(a)(2) 5 U.S.C. § 1502(a)(3) 5 U.S.C. § 1503 45 C.F.R. Part 1608 45 C.F.R. § 1608.3(b)(3) 45 C.F.R. § 1608.5(c) 45 C.F.R. § 1608.6(a) 45 C.F.R. § 1608.8
§ 1612.7 § 1612.7(b)(2)-(5) § 1612.7 § 1612.7(b) § 1612.13(d)	05/25/93		Whether LSC's lobbying regulations apply to a LSC's program's private funds.		
§ 1612.9	08/08/89		Questions concerning client eligible board member trainings and the operation of state support centers: I. Whether LSC regulations permit the use of LSC funds to train client board members on the contents of state's human rights act; II. Whether the state support center could be directly funded by LSC; III. Whether a local grantee has veto power over the state support center to which it subgrants; IV. How can a state support center funded by a local program free itself of local biases to meet statewide concerns?		§ 1007(b)(6) 45 C.F.R. Part 1620 45 C.F.R. Part 1627 45 C.F.R. Part 1630 45 C.F.R. § 1630.4(f)
§ 1612.1(g) § 1612.6(b) § 1612.11	05/31/88		Whether LSC considers program's activities regarding Correctional Institution Inspection Committee as lobbying that must be reported to LSC.		

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§ 1612.5(c) § 1612.5(h)(1) § 1612.6(b)	05/25/88		Whether program can communicate with members of the legislative body of the Virgin Islands in order to determine the concerns of the Islands' constituents.		§ 1002(5) § 1005(b)(2) § 1006(a)(1)(A)(ii) § 1006(b)(5)(B) § 1006(d)(3) § 1006(d)(4) § 1006(e)(1) § 1005(e)(2) § 1007(a)(2)(C) § 1007(a)(6) 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996(5) 42 U.S.C. § 2996e(A)(ii) 45 C.F.R. Part 1620
§ 1612.3(a)	04/01/88		Whether program may pay dues to the National Legal Aid and Defender Association (NLADA) in order to qualify for that organization's malpractice insurance policy.		
§ 1612.13	12/10/87		Response to comments. NOTE: Missing page 2.		
§ 1612.5(a)(1)(i) § 1612.5(a)(3) § 1612.7(f)	02/01/85		Whether LSC program directors may participate in lobbying for the purpose of obtaining state funding.		
§ 1612	12/08/82		Response to comments on LSC's proposed regulations to implement restrictions on recipient lobbying activities, including the Moorhead Amendment.		
§ 1612.4(a) § 1612.4(b)	05/11/81		Clarification of § 1612.4(b).		§ 1006(b)(5) § 1007(a)(5)
§ 1612.4	12/12/80		Whether 45 C.F.R. § 1612.4 applies to program's practice of extending the use of the copy machine to other non-profit corporations.		
§ 1612.4(2)	09/24/80		Whether staff attorney's political activities were appropriate.		42 U.S.C. § 2996e(d)(4) 42 U.S.C. § 2996f(a)(5) 42 U.S.C. § 2996f(a)(6)(A) 45 C.F.R. § 1608.6(a) 45 C.F.R. § 1608.7 45 C.F.R. § 1611.5(c)
§ 1612.4 § 1612.4(a)(2)	08/15/80		Clarification of § 1007(a)(5) of LSC Act and § 1612.4(a)(2) of regulations.		§ 1007(a)(5)

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§ 1612	05/01/80		Clarification of the restrictions on legislative lobbying activity contained in the LSC Act and regulations---specifically, whether a legal services program could write a letter to state legislators expressing that program's views on a bill which would have substantial impact upon many of the program's clients, but where no specific client had requested that the program take such action.		
§ 1612.4	04/24/80		Virginia Legal Aid could participate in Rural Virginia, Inc., but no LSC funds could be used to pay for any fees incident to the membership and program's staff attorney could participate on their own time.		42 U.S.C. § 2996f(a)(5)
§ 1612.4	07/11/79		Program's legislative advocacy activities.		§ 1007(a)(5)
§ 1612.1 § 1612.2 § 1612.2(a)(1)	04/16/79		Whether "sympathy strikes" by legal services employees violate Part 1612 of LSC's regulations.		§ 1006(b)(5) 42 U.S.C. § 2996e(b)(5)
§ 1612	03/15/79		Program's concern about effect of <i>In re Primus</i> on Part 1612 of LSC regulations---whether program still needs a client before appearing at the legislature on pending legislation.		
§ 1612.4	01/24/79		Questions regarding legislative advocacy: I. Do the LSC regulations permit a recipient to engage in legislative advocacy? II. Has LSC issued any opinions regarding legislative advocacy? III. Are there any legal difficulties with an employee of a recipient registering as a lobbyist?		§ 1007(a)(5) 42 U.S.C. § 2996f(a)(5)
§ 1612	01/22/79		Advertisement published by grantee does not violate relevant provisions of LSC Act.		42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996e(b)(1) 42 U.S.C. § 2996f 42 U.S.C. § 2996f(a)(5)
§ 1612.4(a)	11/14/78		Whether or not it's proper for program to contribute funds to statewide legislative advocacy unit.		42 U.S.C. § 2996f(a)(3) 42 U.S.C. § 2996f(a)(5)
§ 1612.4	08/18/78		Interpretation of § 1612.4		
§ 1612	01/12/78		Restrictions on grants---program being considered for state grant that would prohibit program from bringing actions under the federal or state civil rights laws against the United States, the state, or any instrumentalities of those governments.		§ 1002(g) § 1006(a)(1)(A) 42 U.S.C. § 2996e(a)(1)(A) 45 C.F.R. Part 1620

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§ 1612	04/04/77		Legality of state's attempt to impose restriction against lobbying on legal services programs receiving LSC funds (State's proposed statute conflicts with LSC Act).		§ 1002(5) § 1006(a)(1) § 1007(a)(3) § 1007(a)(5)
§ 1612.4(a) § 1612.4(a)(1)	03/02/77		Propriety of program participating as a "party litigant" in a rule-making proceeding before the Veteran's Administration.		5 U.S.C. § 553(e)
§ 1612	02/14/77		It would violate § 1006(b)(5)(B) of LSC Act for program to permit a client group to use its offices for a press conference at which it would urge participation in a demonstration against proposed cuts in welfare benefits; it would also be a violation for program to permit its name to be used as a sponsor of the demonstration.		§ 1006(b)(5)(B)
§ 1612.1	06/14/76		Definition of "legal assistance activities."		§ 1006(b)(5)(B)
<b>Part 1613</b>			<b>Restrictions on Criminal Cases</b>		
§ 1613	05/08/06	EX-2006-1002	Reporting of criminal cases for CSR purposes and funding of those cases depending on whether they involve offenses that may be punishable by a jail sentence.		§1610 §1007(b)(2) 42 U.S.C. §2996f(b)(2)
§ 1613	02/17/04	EX-2004-1002	Program may represent someone fighting eviction under state criminal eviction statute. Eviction proceeding, the nominally criminal, is not a "criminal proceeding " as defined in 1613.		
§ 1613 § 1610	05/07/02	EX-2002-1005	Representation of homeless people on misdemeanor warrants and tickets.		45 C.F.R. § 1615 45 C.F.R. § 1637
§ 1613.2 § 1613.3 § 1613.4	02/16/01		Whether recipient may enter into contract to represent complainants in criminal domestic violence cases, when such victims are routinely not represented by the prosecutor's office.		§ 1003(a) § 1007(b)(1) § 1007(b)(2) 42 U.S.C. § 2996(f) 45 C.F.R. Part 1615 45 C.F.R. § 1615.2 45 C.F.R. Part 1633 45 C.F.R. § 1633.3 45 C.F.R. Part 1636 45 C.F.R. § 1636.2(c) 45 C.F.R. Part 1637 45 C.F.R. § 1637.2(a) 45 C.F.R. § 1637.3

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§ 1613.3 § 1610	07/20/00		Whether a recipient program may procure a contract with a county government to provide "Public-Defender type services," in cases where applicants present a conflict of interest to the local public defender's office.		
§ 1613.2	05/17/93		Whether program may provide legal assistance to an indigent client for the sole purpose of petitioning the court for a waiver of the fee statutorily required for the client to petition for free legal assistance in a criminal matter.		
§ 1613.4(b)	05/14/92		Whether program can pay private attorney on a reduced fee basis to represent a client in a criminal matter which has arisen out of program's representation of the client.		45 C.F.R. Part 1614 45 C.F.R. § 1614.3(a)
§ 1613	02/14/90		Whether 45 C.F.R. Part 1613 prohibits a program from hiring an attorney, whose duties include: I. Developing a uniform reporting system for use by local governments to provide data as to criminal prosecutions under domestic violence law; II. Educating victims as to their rights under the law both criminal and civil; and III. Meeting with local prosecutors to persuade them to bring criminal charges in appropriate domestic violence cases.		
§ 1613.2 § 1613.4	06/06/89		Whether 45 C.F.R. Part 1613 permits representation by program of a client in connection with a complaint for forfeiture under 28 U.S.C. § 881.		21 U.S.C. § 881 28 U.S.C. § 881 45 C.F.R. Part 1610
§ 1613.4 § 1613.4(a)	11/02/88		Program's participation in court-appointed criminal representation is subject to requirements in 45 C.F.R. Part 1613.		§ 1007(b)(2) 42 U.S.C. § 2996f(b)(2)
§ 1613	06/08/84		I. Whether the staff of the civil unit in county jail may provide library assistance to inmates who wish to use the library to research criminal issues or otherwise prepare for a criminal proceeding; II. Whether program may provide legal assistance for the purpose of petitioning the court for the expungement of criminal records.		§ 1007(b)(2) 45 C.F.R. Part 1620
§ 1613.4 § 1613.4(a)	07/07/81		Inquiry concerning court appointments of program staff attorneys to criminal matters.		42 U.S.C. § 2996f(b)(2) 45 C.F.R. § 1604.4 45 C.F.R. Part 1620



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§ 1613	06/02/81		Whether program attorney may enter an appearance on behalf of an existing client to modify the sentence he received after pleading guilty or being convicted of driving under the influence of alcohol.		45 C.F.R. Part 1615
§ 1613.4(b)	02/11/81		Whether program can properly represent an eligible client who has a warrant outstanding for his arrest for criminal assault and battery, where the warrant was issued as a result of his testimony as a defendant in a civil action for assault and battery, in which attorney represented client.		
§ 1613	09/09/80		Whether the staff attorneys who represent, by appointment, indigent criminal defendants can keep the proceeds if they perform the work on their own time.		42 U.S.C. § 2996f(b)(2) 45 C.F.R. Part 1604 45 C.F.R. § 1604.2 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4
§ 1613	08/07/80		Whether program's representation of clients in juvenile court proceedings would violate Part 1613 of the regulations.		45 C.F.R. Part 1620 45 C.F.R. § 1620.2(b)(4)
§ 1613.4(a)	04/11/80		Section § 1613.4(a) of regulations is consistent with 42 U.S.C. § 2996f(b)(2).		42 U.S.C. § 2996b(a) 42 U.S.C. § 2996f(b)(2)
§ 1613.4(b)	06/18/79		Complaint against program for violating LSC proscription of criminal representation---while a violation did occur, it's clear that the criminal representation was undertaken in the good faith belief that it was authorized by LSC's regulations, thus no disciplinary action is warranted.		§ 1007(b)(2) 42 U.S.C. § 2996f(b)(2) 45 C.F.R. § 1606.3 45 C.F.R. § 1618.5
§ 1613.2 § 1613.3	02/09/79		Propriety of representing a client being prosecuted in federal magistrate's court for violating tribal fish and game management regulations.		42 U.S.C. § 2996f(b)(2)
§ 1613.2 § 1613.3 § 1613.4	12/20/78		When may program undertake criminal representation for the ultimate purpose of preventing adverse civil consequences to client?		
§ 1613	04/19/78		Writ of prohibition is not a criminal proceeding within the meaning of Part 1613, therefore program may file amicus brief. NOTE: MISSING.		

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§ 1613	11/22/77		The constitutionality of a California statute, which excludes resident aliens from sitting on juries in either civil or criminal cases, is being challenged by way of a writ of prohibition filed in connection with a criminal case. Meaning of Part 1613.		
§ 1613.2	06/02/77		Whether the LSC Act prohibits office from filing a petition for writ of mandate on behalf of the class of pretrial detainees at local jail.		§ 1007(b)(1)
§ 1613.4(c)	05/26/77		Guidance in interpreting § 1007(b)(1) and Part 1613---whether it is permissible for program attorney to file motion to dismiss indictment where program has agreed to represent person now civilly committed to state hospital in a review proceeding to decide whether he is eligible for discharge and there exists hope for a favorable decision if criminal indictment were not pending against client.		§ 1007(b)(1) 42 U.S.C. § 2996f(b)(1)
§ 1613.4(a)	03/08/77		I. Whether it was violation for program attorney to advise person charged with DWI who requested legal assistance how to establish that he is legally indigent and how to go about seeking to secure the right to court-appointed counsel; and II. Whether it would be a violation for program attorney to accept subsequent court appointment in the criminal proceeding.		
§ 1613.4(c)	01/19/77		Whether LSC regulations permit a legal services program to provide representation to eligible persons in defense of a criminal charge relating to welfare fraud.		45 C.F.R. Part 1615
§ 1613	12/17/76		Whether it would be a violation of the LSC Act or of Part 1613 of the regulations for program to represent an individual in a collateral proceeding brought to obtain appellate review of a determination that the individual is not eligible to be represented by the public defender.		
<b>Part 1614</b>			<b>Private Attorney Involvement</b>		
§1614.3 §1614.1	05/02/11	AO-2011-001	Whether a recipient may allocate Costs Related to Intake and Referral of Applicants To Pro Bono Volunteer Lawyer Programs not compliant with 1614.3(d). (No.)		
§1614	11/25/09	AO-2009-1007	Incubator Program Attorneys as Staff Attorneys		§1600

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§1614	03/19/08	EX-2008-1001	In order for resources provided to a direct delivery of legal services clinic to be allocated to the PAI funding requirements, the clients served by the clinic must be screened, determined to be eligible and accepted as clients of the grantee.		
§1614	12/16/05	EX-2005-1003	Withdrawal of footnote 2 of EX-2002-1004. PAI attorneys can claim attorneys' fees even if grantee provides costs, expenses or malpractice insurance.		§ 1642.4(b)
§1614 §1614.1 §1614.2(a) §1614.3(b)(2)	03/07/05	EX-2005-1001	Whether costs associated with staff attorney time spent supervising law students volunteering at program may be counted towards PAI requirement. (No.)		§1600.1
§1614	05/20/04		Inquiry about grievance hearing for client of a PAI program.	Southwest Virginia Legal Aid Society	
§ 1614 § 1614.3	01/13/03	EX-2003-1001	Transfer, Subgrant and PAI Questions Involving Technology Grants		§ 1610 § 1610.7(C) § 1610.8 § 1627 § 1627.2(b) § 1627.2(g) § 1627.6(a)
§ 1614	07/30/01		Whether it is proper for a program to release information obtained from a client for purposes of eligibility screening when the client's case was ultimately handled by a private attorney through the program's Private Attorney Involvement program, as mandated by 45 C.F.R. 1614.		
§ 1614.1(a) § 1614.1(d)	MISSING		I. Request for opinion on the meaning of "private attorney" in 45 C.F.R. Part 1614; and II. Whether staff attorneys employed by program who engage in pro bono legal assistance activities on their own time are private attorneys for the purposes of Part 1614.		45 C.F.R. § 1600.1
§ 1614	10/27/98		The Meaning of "Private Attorney" in 45 CFR Part 1614.		
§ 1614	12/05/95		Request for approval of grantee's PAI Application for Referral.	Legal Aid Society of Northeastern New York	
§ 1614.1 § 1614.3	08/03/95		Whether a prospective pro bono program would be consistent with 45 C.F.R. Part 1614, the LSC regulation regarding private attorney involvement ("PAI").		42 U.S.C. § 2996e(b)(3)

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§ 1614.3(a) § 1614.3(e)(1)(ii) )	10/07/94		Propriety of a sub-recipient of program charging an administrative fee for legal services to eligible clients.		42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996a(3) 45 C.F.R. Part 1600 45 C.F.R. § 1627.3(e)
§ 1614.1(e)	03/15/94		Whether there is any restriction on the referral of fee-generating cases to program's former employees (No).		
§ 1614.2(a) § 1614.3(a)	08/27/93		Whether proposed referral program for social security cases complies with LSC's regulations and policy (No, proposed arrangement would violate the LSC Act and regulations because it would permit recovery of attorney's fees in social security cases.)		§ 1007(b)(1) 42 U.S.C. § 401 <u>et seq.</u> 42 U.S.C. § 406(b) 42 U.S.C. § 1381 <u>et seq.</u> 42 U.S.C. § 2996f(b)(1) 45 C.F.R. § 1609.3 45 C.F.R. § 1609.4 45 C.F.R. § 1609.4(d)
§ 1614	04/29/93		Whether grantee may, under the LSC Act and regulations, subcontract with the local bard association to operate a localized lawyer referral service. This arrangement would entail that the grantee would receive enrollment fees from participating attorneys to cover the operational and personnel expenses of the project, and that it would also receive a fee for each referral, which would be used to provide legal services to eligible clients. Nothing in the LSC Act, regulations, instructions or guidelines prohibits such an arrangement although care must be taken to ensure that this agreement complies with all of the requirements of those texts.	Judicare of Anoka County, Inc.	45 C.F.R. § 1614.5.
§ 1614.3(a)	05/14/92		Whether program can pay private attorney on reduced fee basis to represent client of program in a criminal matter which has arisen out of program's representation of the client.		45 C.F.R. Part 1613 45 C.F.R. § 1613.4(b)
Missing	03/30/91				

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§ 1614.3(b)(1)	08/25/89		Whether program may allocate expenses incurred in developing an Interest on Lawyer's Trust Account ("IOLTA") program towards its requirements under 45 C.F.R. Part 1614 to devote at least 12.5% of its annual grant to involving private attorneys in the delivery of legal assistance to eligible clients.		
§ 1614.1 § 1614.3(a) § 1614.3(e)(1)(ii)	03/30/89		Concern over how program operates its reduced fee PAI plan---specifically, whether it is proper for program to offer a reduced fee PAI program which charges the fee to the client.		§ 1002(3) § 1003(a) § 1006(a)(1)(A) 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996b(a) 42 U.S.C. § 2996e
§ 1614	03/29/89		Issues regarding LSC oversight and subgrants.		45 C.F.R. Part 1607 45 C.F.R. Part 1620 45 C.F.R. § 1627.3(e)
§ 1614	03/28/89		Whether program has the right to demand PAI client files from the former contractor and whether program may directly contact the clients of whose identities they are aware.		
§ 1614.1(a) § 1614.2(a) § 1614.3(c)(1) § 1614.3(c)(2)	06/21/88		Opinion regarding program's use of private funds to meet the 12.5% Private Attorney Involvement (PAI) expenditure requirement set forth in Part 1614 of the LSC regulations.		
§ 1614.1(d) § 1614.1(e) § 1614.3(e)(1)(i)	06/13/88		Response to program's question concerning establishment of a position for a Private Attorney Involvement (PAI) Coordinator.		
§ 1614.1(e)	08/07/86		Whether or not the amended PAI rule, § 1614.1(e), allows former staff attorneys to participate in judicare panels.		
§ 1614	05/22/86		There is no restriction preventing private attorneys from attending task force meetings coordinated by legal services program, on the contrary such participation is encouraged.		
§ 1614	05/16/86		Memo about a private law firm's complaint about being prohibited from participating in a monthly meeting coordinated by a grantee. It seems likely that participation by private firms should be allowed.	Western Center on Law and Poverty	

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1614	10/08/85		I. Whether recipient would violate LSC regulations if it's 1984 clients did not sign a retainer agreement pursuant to 45 C.F.R. § 1611, when the form of the retainer agreement submitted thereto was not approved by the regional office until 1985; II. Whether payments to judicare attorney would be considered a questioned cost if the attorney was paid out of pocket expenses, which were over and above a maximum fee established by an recipient's board of directors, even though the total amount paid does not exceed 50% of the local prevailing market rate for that type of service; III. Whether payments to judicare attorney on bill submitted after prior submission of bill marked "final bill" constitute a violation of any regulation or create an issue of questioned costs when the total payments in attorney fees do not exceed 50% of the local prevailing market rate for that type of service.		45 C.F.R. Part 1611 45 C.F.R. § 1611.8(a)
§ 1614.1(a) § 1614.3(b) § 1614.3(c)	09/26/85		Whether program can use payments made to law school's clinical program to meet a portion of the expenditure requirement for Private Attorney Involvement under 45 C.F.R. Part 1614.		
§ 1614	07/20/84		PAI inquiry involving a joint venture relationship.	New Hampshire Legal Assistance	
§ 1614	06/20/84		Opinion regarding PAI		
§ 1614	08/18/78		Whether LSC regulations permit representation of juveniles in proceedings where they may be committed in institutions.		
<b>Part 1615</b>			<b>Restrictions on Actions Collaterally Attacking Criminal Convictions</b>		
§ 1615	06/03/85		Whether a 42 U.S.C. § 1983 complaint, which attacks county juvenile court procedures, is an action filed in violation of 45 C.F.R. Part 1615.		
§ 1615	06/02/81		Whether program may enter an appearance on behalf of an existing client to modify the sentence he received after pleading guilty or being convicted of driving under the influence of alcohol.		45 C.F.R. Part 1613
§ 1615	03/14/79		Whether program may represent individuals whose confinement to mental institutions is related to criminal prosecutions.		45 C.F.R. Part 1613

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<b>Part 1616</b>			<b>Attorney Hiring</b>		
§ 1616.1	05/08/87		Whether program may hire part-time, temporary attorney for 20 hours or less per week, without advertising the position with the local bar as required by 45 C.F.R. Part 1616 (Yes).		§ 1007(a)(8)
§ 1616.6	08/06/79		Whether program may bring a housing discrimination suit on behalf of minority attorneys who have been offered employment with program and have been discriminated against in obtaining housing (Yes).		
§ 1616	10/12/78		Unauthorized practice of law---interpretation of § 1006(b)(4) of LSC Act.		§ 1006(b)(4) 42 U.S.C. § 2996e(b)(4)
§ 1616.5	04/19/78		I. What is the definition of "local applicants" as used in § 1616.5? II. Whether under § 1604.5, regarding uncompensated practice, an attorney can be authorized to handle a criminal case for a relative, friend or charitable organization. III. Whether under § 1613.4 a program can allow its attorneys to handle criminal cases pursuant to a court appointment made under a statute, court rule or practice of equal applicability to all attorneys in the jurisdiction.		45 C.F.R. § 1604.5 45 C.F.R. Part 1609 45 C.F.R. § 1613.4(a) 45 C.F.R. § 1613.4(b) 45 C.F.R. § 1613.4(c) 45 C.F.R. Part 1615 45 C.F.R. § 1615.3
<b>Part 1617</b>			<b>Class Actions</b>		
§ 1617.3 § 1617.4 § 1617.4(d)	07/15/80		I. Whether there is a violation of 45 C.F.R. § 1617 for the governing body of a recipient, at the request of an adverse litigant, to review staff compliance with policies and standards adopted by the governing board pursuant to § 1617.4; II. Whether the board must grant the complainants' request for a hearing; III. May the governing board of a recipient, at the request of an adverse litigant, undertake an independent review of staff compliance with the LSC Act and regulations where the litigant has also requested review by LSC pursuant to 42 U.S.C. § 2996e(b)? IV. Is the written request for and the written approval of a class action pursuant to § 1617.3 exempt from disclosure under § 1617.4?		42 U.S.C. § 2996e(b)

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§ 1617.2 § 1617.4	03/15/79		Whether LSC objects to recipient's filing of an amicus brief in a case that could have substantial impact on former and future clients of program, but where program does not presently represent a specific client.		§ 1003(a) § 1006(a)(1)(A) § 1007(a)(5) 42 U.S.C. § 2996b(a) 42 U.S.C. § 2996e(a)(1)(A) 42 U.S.C. § 2996f(b)
§ 1617	01/31/79		Guidance concerning representation of a class containing over-income persons.		
§ 1617	05/25/78		Question concerning perceived ambiguity/conflict in LSC regulation governing appeals and class actions with professional responsibilities of attorneys.		45 C.F.R. Part 1605
§ 1617	05/17/77		Request for guidance with respect to representation of class composed primarily of income-eligible persons, but also containing some over-income persons.		
<b>Part 1618</b>			<b>Enforcement Proceedings</b>		
§ 1618.4(c)	06/10/05	EX-2005-1004	Whether a full-time attorney employed by PRLS who performed civil law notarial services for private persons has violated the outside practice of law requirements of Part 1604? (Yes)		§ 1007(a)(4); 42 U.S.C. §2996f(a)(4) 45 CFR § 1604.2(b) 45 CFR § 1604.3(b)
§ 1618.4(c)	07/23/03	EX-2003-1012	Request for confirmation pursuant to 1618 that program's interpretation of 1604 is consistent with LSC policy before program sanctions an employee for violation		45 C.F.R. Part 1604 45 C.F.R. § 1604.2(a) 45 C.F.R. § 1604.2(b) 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4(a) 45 C.F.R. § 1604.4(b)
§ 1618	11/06/00	EX-2000-1020	Consultation regarding 1604 outside practice of law application for previous practice cases and the definition of 'consulting.'	Virginia Legal Aid Society, Inc.	45 C.F.R. § 1604



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§ 1618.4(c)	08/16/99		Request for confirmation pursuant to § 1618.4(c) that program's interpretation of 45 C.F.R. Part 1604 is consistent with LSC policy before program sanctions an employee for violation.		45 C.F.R. Part 1604 45 C.F.R. § 1604.2(a) 45 C.F.R. § 1604.2(b) 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4(a) 45 C.F.R. § 1604.4(b) 45 C.F.R. § 1604.5
§ 1618.4(c)	07/27/98		Whether program's interpretation of LSC Act regarding procedures for case acceptance is consistent with LSC policy.		§ 1007(a)(4) 42 U.S.C. § 2996f(a)(4) 45 C.F.R. Part 1604 45 C.F.R. § 1604.2(a) 45 C.F.R. § 1604.2(b) 45 C.F.R. § 1604.4 45 C.F.R. § 1604.5
Missing	02/01/94				
§ 1618.4 § 1618.5	11/11/92		What actions a program director should take after discovering that staff attorney was continuing to represent clients in "outside practice" cases that he had undertaken over 3 years ago when in private practice? MISSING PAGE 4.		§ 1007(a)(4) 42 U.S.C. § 2996f(a)(4) 45 C.F.R. Part 1604 45 C.F.R. § 1604.2 45 C.F.R. § 1604.3 45 C.F.R. Part 1609

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§ 1618.4(b) § 1618.4(c)	01/31/92		Request for opinion regarding whether program's interpretation and application of 45 C.F.R. § 1608.5 are correct before program suspends an employee for running as candidate for a partisan elected judicial position.		§ 1006(e) § 1006(e)(2) 5 U.S.C. § 1502 <u>et seq.</u> 5 U.S.C. § 1503 42 U.S.C. § 2996e(2) 45 C.F.R. Part 1600 45 C.F.R. § 1608.1 45 C.F.R. § 1608.5 45 C.F.R. § 1608.5(c) 45 C.F.R. § 1608.8 45 C.F.R. § 1612.5 45 C.F.R. § 1612.12 45 C.F.R. § 1612.12(c)(2) 45 C.F.R. § 1612.12(c)(4)
§ 1618.4(b) § 1618.4(c)	12/24/91		Request for guidance pursuant to 45 C.F.R. § 1618.4(c) to insure that program's interpretation of 45 C.F.R. Part 1604 is consistent with LSC's policy---where program attorney undertook compensated representation of either friends or family in at least 4 domestic relations cases and did not notify or seek approval of his compensated outside practice of law.		§ 1006(b)(2) § 1007(a)(4) § 1011 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996f(a)(4) 42 U.S.C. § 2996j 45 C.F.R. Part 1604 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4 45 C.F.R. § 1604.5

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§ 1618.4(b) § 1618.4(c)	12/20/91		Whether program's interpretation of 45 C.F.R. Part 1604 is consistent with LSC policy---where program's staff attorney undertook uncompensated representation of a fellow employee without notifying or seeking program director's approval.		§ 1006(b)(2) § 1007(a)(4) § 1011 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996f(a)(4) 42 U.S.C. § 2996j 45 C.F.R. Part 1604 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4 45 C.F.R. § 1604.5
§ 1618	05/23/89		I. Concern over LSC monitors' request for access to personnel files of recipient employees; II. Questioning LSC's authority and purpose for collecting information on unionization in legal services programs.		§ 1006(b)(2) § 1007(a)(1) § 1007(a)(3) § 1007(a)(4) § 1007(a)(8) 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996f(a) 42 U.S.C. § 2996f(a)(1) 42 U.S.C. § 2996f(a)(3) 42 U.S.C. § 2996f(a)(4) 45 C.F.R. Part 1604 45 C.F.R. Part 1616
§ 1618.4(b) § 1618.4(c)	12/20/88		Program's failure to notify LSC before disciplining attorney was a violation of LSC Act, but as program's interpretation of the LSC Act was consistent with LSC policy, LSC did not view violation as significant.		§ 1007(a)(4) 42 U.S.C. § 2996f(a)(4) 45 C.F.R. Part 1604 45 C.F.R. § 1604.2(b) 45 C.F.R. § 1604.3
§ 1618.3	02/16/88		Opinion regarding the payment of union dues or their equivalent to non-religious, non-labor related charitable fund by employees of a program funded by LSC.		129 U.S.C. § 169
§ 1618.4(c)	07/19/85		Response to letter concerning intended termination of program's staff attorney for unauthorized outside practice of law.		

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§ 1618.4(b)	03/10/81		Decision not to issue formal opinion regarding LSC's interpretation of § 1618.4(b).		§ 1011 45 C.F.R. Part 1606
§ 1618.4(b)	09/16/80		Request for definition of the "independent hearing examiner" provision contained in § 1011 of LSC Act and incorporated by reference into § 1618.4(b) of the LSC regulations.		§ 1011
§ 1618	09/09/80		I. Meaning of "independent hearing examiner" as used in Part 1618 of LSC regulations; II. Whether aggrieved employee should bear any costs for an independent hearing examiner.		42 U.S.C. § 2996j 45 C.F.R. Part 1606 45 C.F.R. § 1606.8(a)
§ 1618.4(b)	07/28/80		I. Request for interpretation of § 1618.4(b) of LSC regulations; II. Whether the aggrieved employee should bear any costs for an independent hearing examiner.		42 U.S.C. § 2996j 45 C.F.R. Part 1606 45 C.F.R. § 1606.8(a)
§ 1618	03/20/79		Request for review of program's by-laws---program concerned with the process established for board review of an employee's involuntary termination.		§ 1006(b)(2) § 1011 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996j 45 C.F.R. Part 1606 45 C.F.R. § 1608.3(a)
<b>Part 1619</b>			<b>Disclosure of Information</b>		
§ 1619.2 § 1619.3	09/10/97		Whether program is legally required to provide copies of the minutes of its board meetings since 1995 or all documents to be considered at all future board meetings to the union which represents some of its employees.		
§ 1619.2 § 1619.3	06/21/89		Opinion on program's staff attorneys right of access to copies of minutes of board of directors meetings.		45 C.F.R. Part 1602
§ 1619.2	04/20/88		Whether program may withhold information concerning the salaries of employees from the local bar association under FOIA.		5 U.S.C. § 552 et seq. 45 C.F.R. Part 1602 45 C.F.R. § 1602.9(a)(5)
§ 1619.2 § 1619.3 § 1619.4	03/08/88		Recipient programs are not subject to the requirements of FOIA.		42 U.S.C. § 2996d(g) 45 C.F.R. Part 1602

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§ 1619.2	08/06/79		Whether legal services programs funded by LSC are subject to FOIA (No).		§ 1005(g) 5 U.S.C. § 552 42 U.S.C. § 2996d(g)
§ 1619	02/15/79		Issues regarding LSC's required grievance procedures: <ul style="list-style-type: none"> <li>- Disclosure of confidential information during the grievance procedure</li> <li>- Interference with an attorney's professional judgment</li> <li>- Disqualification of the program's attorneys from future representation</li> <li>- Liability of board members for malpractice</li> <li>- Maintenance of a complaint file</li> <li>- Consideration of oral complaints</li> <li>- Resolution of complaints by the director</li> <li>- Libel or slander by the complainant</li> <li>- Reporting to the bar</li> </ul>		
§ 1619.2 § 1619.3	01/05/79		Opinion regarding the type of information that programs must disclose pursuant to Part 1619.		45 C.F.R. Part 1602
§ 1619	11/03/78		Whether FOIA or LSC rules require program to provide information to requesting party (No).		42 U.S.C. § 2996d(g)
§ 1619	03/21/77		Opinion regarding the extent to which a grantee is legally obligated to supply certain information to members of the public.		§ 1005(e)(1) § 1006(g) 5 U.S.C. § 552 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996d(g)
§ 1619	10/19/76		Attorney representing adverse party to a client represented by recipient program is not entitled to financial eligibility information provided to program by client.		
<b>Part 1620</b>			<b>Priorities in Use of Resources</b>		
§1620.3(a) §1620.4 §1620.6(c)	03/26/03	EX-2003-1006	Priorities and non-LSC Funds.		§2996f(a)(2)(C)(i)

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§ 1620.4 § 1604 § 1611	01/25/02 (Summerlin)	EX-2002-1002	<ol style="list-style-type: none"> <li>1. Can LSC-funded staff, during the regular course of employment, assist reservists with wills and power of attorney documents, regardless of income, under some 'emergency' exception?</li> <li>2. If LSC-funded staff volunteer during their personal time to prepare wills and power of attorney documents for individuals who are not income eligible, can LSC-funded equipment and facilities be used to prepare these documents?</li> <li>3. Can a program Board of Directors amend its eligibility guidelines to raise the eligibility threshold from 125% of poverty to 187.5% of poverty, limiting the increased threshold to reservists who are faced with being called up for active duty?</li> </ol>		
§ 1620.4	01/25/02 (Greenfield)	EX-2002-1001	Whether income and resource restrictions may be waived for 9/11 victims.		45 C.F.R. Part 1611
§ 1620	08/08/89		<ol style="list-style-type: none"> <li>I. Whether LSC regulations permit the use of LSC funds to train client board members on the contents of state's human rights act;</li> <li>II. Whether state support center could be directly funded by LSC;</li> <li>III. Whether a local grantee has veto power over the state support center to which it subgrants;</li> <li>IV. How can a state support center funded by a local program free itself of the local biases to meet statewide concerns.</li> </ol>		§ 1007(b)(6) 45 C.F.R. § 1612.9 45 C.F.R. Part 1627 45 C.F.R. Part 1630 45 C.F.R. § 1630.4(f)
§ 1620	09/20/84		<ol style="list-style-type: none"> <li>I. Whether program is bound to establish priorities and eligibility guidelines "in accordance with the time frame set forth in the regulations;"</li> <li>II. Whether program's governing body can retroactively adopt the priorities and guidelines.</li> </ol>		
§ 1620	09/12/84		<ol style="list-style-type: none"> <li>I. Whether program is bound to establish priorities and eligibility guidelines in accordance with the time frame set forth in the regulations;</li> <li>II. If program is bound by aforementioned time frames, whether the board can retroactively adopt these.</li> </ol>		
§ 1620	07/30/84		Request for an opinion concerning continued representation of Habilitation and Adult Training Services, Inc. (HATS).		

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§ 1620	06/05/84		Appropriateness of program's continued representation of Habilitation and Adult Training Services, Inc. (HATS) under LSC's new eligibility regulations.		§ 1007(a)(2)(C) 45 C.F.R. Part 1611 45 C.F.R. § 1611.4
§ 1620	04/09/84		Representation of Habilitation and Adult Training Services, Inc. (HATS).		
§ 1620.1 § 1620.2 § 1620.2(a)(1) § 1620.2(a)(2)	09/12/79		Whether the adoption by program's board of a resolution establishing a program position on energy and technology issues violates either Part 1608 of LSC regulations, relating to prohibited political activities or Part 1620, relating to priority setting.		§ 1007(a)(2)(C) 42 U.S.C. § 2996f(a)(2)(C) 45 C.F.R. Part 1608 45 C.F.R. § 1608.3 45 C.F.R. § 1608.4(a)
§ 1620	01/12/78		Grant condition that would prohibit program from bringing actions under federal or state civil rights laws against the United States, state of North Carolina or any agents or instrumentalities of those governments, is invalid under the Supremacy Clause.		§ 1002(g) § 1006(a)(1)(A) 42 U.S.C. § 2996e(a)(1)(A)
<b>Part 1621</b>			<b>Client Grievance Procedures</b>		
§ 1621	07/18/00		Inquiry about merger.		
§ 1621	05/04/04		Inquiry about grievance hearing in PAI case.		
§ 1621	05/12/92		Response to individual requesting investigation of LSC-funded program's refusal to provide legal assistance with an appeal.		45 C.F.R. Part 1605 45 C.F.R. Part 1611 45 C.F.R. Part 1620
§ 1621	02/11/92		Response to letter requesting information about a study required of the LSC and about grievance procedures.		§ 1007(h) 42 U.S.C. § 2996f(h)
§ 1621	02/15/79		Grievance Procedures <ul style="list-style-type: none"> <li>- Disclosure of confidential information during the grievance procedure</li> <li>- Interference with an attorney's professional judgment</li> <li>- Disqualification of the program's attorneys from future representation</li> <li>- Liability of board members for malpractice</li> <li>- Maintenance of a complaint file</li> <li>- Consideration of oral complaints</li> <li>- Resolution of complaints by the director</li> <li>- Libel or slander by the complainant</li> <li>- Reporting to the bar</li> </ul>		

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1621	01/26/79		I. Whether board of directors can delegate to the grievance committee its authority to resolve client grievances (Yes); II. Whether the committee can order the executive director to take disciplinary action against an employee (Yes); III. What is the purpose of the committee, if it does not consider matters of professional judgment?		
§ 1621	01/15/79		I. Under what circumstances must an attorney board member report to the bar an ethical violation revealed during the grievance procedure? II. When should program inform insurance carrier of possible malpractice claim? III. How can program determine whether there has been malpractice? IV. What is program's obligation to client if they conclude there may have been malpractice? V. What is the relevance of 45 C.F.R. § 1601.12 to the grievance procedure? VI. May the grievance committee consider questions of professional judgment?		45 C.F.R. § 1601.12
§ 1621	02/16/78		Proposed procedure for adoption by the National Health Law Program, to substitute the one prescribed by Part 1621 of the LSC regulations.		
§ 1621	01/05/78		Response to request for waiver of the requirement in 45 C.F.R. § 1621 for establishment of a client grievance committee consisting of members of program's board of directors.		
<b>Part 1622</b>			<b>Public Access to Meetings Under the Government in the Sunshine Act</b>		
§ 1622	02/05/96		Submission of Government in the Sunshine Act report for LSC for 1995, pursuant to 5 U.S.C. § 552b(j), to Speaker of the House of Representatives.		5 U.S.C. § 552b(j)
§ 1622	10/02/78		LSC is not subject to individual's request for materials "from each agency as defined by the [Sunshine] Act."		42 U.S.C. § 2996 <u>et seq.</u>
§ 1622	09/27/78		Opinion regarding LSC's subjectivity to the Sunshine Act		
§ 1622	03/09/78		Response to question regarding LSC's compliance with the Sunshine Act.		5 U.S.C. § 522b
§ 1622	02/27/78		Questions regarding Sunshine Act		45 C.F.R. § 1607.4



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<b>Part 1623</b>			<b>Procedures for Suspension of Financial Assistance</b>		
§ 1623.3	06/28/82		Response to request that LSC suspend financial assistance to recipient program and that LSC investigate a number as matters as set forth in individual's administrative complaint.		45 C.F.R. Part 1604 45 C.F.R. § 1604.2(b) 45 C.F.R. § 1604.4 45 C.F.R. § 1604.4(b) 45 C.F.R. § 1607.1 45 C.F.R. § 1607.4(a) 45 C.F.R. § 1607.4(d) 45 C.F.R. Part 1616 45 C.F.R. Part 1620
§ 1623	02/27/78		Response to request for administrative review of LSC's decision to award program a 3-month grant at its current level of funding adjusted for inflation.		§ 1011 42 U.S.C. § 2996f(a)(9) 42 U.S.C. § 2996j 45 C.F.R. § 1606.2(f) 45 C.F.R. § 1606.5 45 C.F.R. § 1606.6
<b>Part 1624</b>			<b>Prohibition Against Discrimination on the Basis of Handicap</b>		
§ 1624.4	12/07/00		Requirement of Legal Service Providers to Provide Auxiliary Aids for Persons with Impaired Sensory, Manual or Speaking Skills.		
§ 1624.7	10/27/81		Opinion regarding relationship of Part 1624 of LSC regulations to § 504 of the Rehabilitation Act of 1973.		
§ 1624.4(d)(1) § 1624.4(d)(2) § 1624.4(d)(3)	12/10/80		Whether every program must install a TTY for the benefit of the deaf community (No).		
§ 1624.6(e) § 1624.6(f)	11/11/80		Job requirements imposed for senior coordinator position---driver's license requirement violates Part 1624 of the LSC regulations.		
§ 1624	11/04/80		Response to letter regarding complaint filed against 4 legal services programs in Colorado by the Colorado Developmental Disabilities Council.		§ 1007(a)(2)(C)(i)
§ 1624.4 § 1624.4(d)(1) § 1624.5	10/02/80		Opinion regarding the applicability of §§ 1624.4 and 1624.5 of LSC's regulations to judicate programs funded by LSC.		

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§ 1624.5 § 1625.5(b)	04/08/80		LSC leaves to the discretion of each program the decision over which group or organization will participate in its self-evaluation.		
§ 1624	01/17/80		Decision to forward complaint to LSC's Chicago Regional Office for an investigation to determine whether the circumstances described constitute a violation of Part 1624.		42 U.S.C. §§ 2996-29961 42 U.S.C. § 2996e(1) 42 U.S.C. § 4151
§ 1624	07/09/79		Response to draft comments submitted from Department of Health, Education & Welfare concerning proposed regulation implementing § 504 of the Rehabilitation Act of 1973.		5 U.S.C. § 105 42 U.S.C. §§ 2996-29961 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996d(e)(2)
§ 1624	05/17/79		Two questions		
<b>Part 1625</b>			<b>Denial of Refunding</b>		
§ 1625	08/08/00	EX-2000-1014	Response to an inquiry about H-2A worker eligibility.		
§ 1625.2	01/20/84		Inquiry concerning Grant Assurance No. 9---assurance can not be interpreted to be waiver of any legal rights a recipient has under the LSC Act, under 45 C.F.R. Part 1625, or under any other provision of law.		
<b>Part 1626</b>			<b>Restriction on Legal Assistance to Aliens</b>		
§ 1626.2(e) § 1626.3	04/14/10	AO-2010-002	Legal Assistance to Ineligible Aliens with U.S. Citizen Children (Part 1626) – Ineligible alien with legal claim not eligible due to benefit resolution of problem will confer on citizen child; citizen child cannot be accepted as client without own legally cognizable claim.		
§ 1626 § 1626.6	12/02/09	AO-2009-1008	1626 alienage screening or citizenship verification is not required for clients who have legal issues covered by statutory exceptions to alienage restriction. VAWA exception. VTPA Trafficking exception. Pub. L. 109-162. Pub. L. 106-386.		

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§ 1626.6 § 1626.7	09/10/08	EX-2008-1003	ALS is obligated to meet LSC's "citizenship or eligible alien verification" and "signed written retainer agreement" requirements in each of its extended service cases. See 45 C.F.R. Parts 1611 and 1626. A court order or other authoritative document from the court which includes a court provided statement evidencing a minor client's U.S. citizenship can serve as independent proof of a minor client's citizenship status in satisfaction of §§ 1626.6-1626.7. Where a state court has appointed a public defense corporation to serve as a minor's legal representative in connection with a specific legal or court proceeding, that court-appointed public defense corporation may, for purposes of LSC's regulations, execute, on the minor's behalf, a written retainer agreement with the recipient providing for the recipient's representation of the minor in the legal matter or proceeding assigned by the court, provided that such representation would not involve any LSC restricted activities and a copy of the documentation evidencing the underlying court appointment for such representation is kept in the recipient's file. If the representation in a case is supported wholly by non-LSC funds and ALS wants to include the case in its CSR, then ALS must, for each case reported, (1) ensure that the client in such case meets all LSC financial eligibility requirements and (2) comply with all documentation requirements.	Anishinabe Legal Services	§1611.2(d) § 1611.2(i) § 1611.4 § 1611.4(a) § 1611.7(a)(1) § 1611.7(c) § 1611.9(a)
§ 1626.5 § 1626.10	06/02/04	EX-2004-1004	Whether recent amendments to the Compact of Free Association have changed the eligibility of citizens of the Federated States of Micronesia and the Republic of the Marshall Islands for legal assistance by LSC grant recipients. (No)		P.L. 108-188
§ 1626.5 § 1626.10	05/07/01		Opinion regarding the eligibility of citizens of the Marshall Islands ("RMI") for legal services outside of the U.S. (Citizens of RMI are only eligible for legal services in the U.S. if they meet the alien eligibility requirements of 45 C.F.R. Part 1626.)		
§ 1626.4 § 1626.5 § 1626.5(a) § 1626.10 § 1626.11	01/29/01 / 03/12/01		Whether representation of proposed client, who is the widow of program's former client and a legal permanent resident of the U.S. under the INA, for the purpose of obtaining a retirement pension is permitted under the LSC regulations. (Yes)		8 U.S.C. § 1101(a)(2)

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1626.5 § 1626.11	08/08/00		Whether H-2A worker is eligible for legal services when worker has abandoned his or her original employment contract. (A recipient should exercise its discretion in these circumstances, considering factors such as the reason for the abandonment and the nature of the employer's violation.)		
§ 1626.6(a)	02/15/00 (Heald)		Whether staff attorney serving as guardian ad litem must complete citizen attestation forms for those cases. (If the guardian ad litem is providing legal assistance, a citizen attestation form must be completed by the parent or guardian of the child.)		45 C.F.R. § 1600.1
§ 1626.4 § 1626.5 § 1626.5(e)	02/15/00 (Shafiqullah)		Whether voluntary departure, together with a work permit expiring after the departure date, as well as continuous presence in the U.S., is the functional equivalent of withholding of deportation. (No, an alien must have an I-94 stamped "243(h)" or an order granting withholding of deportation from the INS, an immigration court, the BIA or a federal court.		
§ 1626.2(f) § 1626.2(g) § 1626.4(a) § 1626.4(a)(1) § 1626.4(a)(2) § 1626.4(b) § 1626.6	01/28/00		Whether program may represent an alien in a divorce from an abuser.		
§ 1626	01/24/00		Implementation of Erlenborn Commission Report I. representation is authorized so long as the eligible alien is present sufficient to maintain residence or lawful immigration status, even if the alien is temporarily outside the US at the time representation begins. II. for H2A workers representation relating to their H2A employment is allowed even if the alien has left the US so long as the worker had been admitted to and present in the US for the H2A employment.		

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§ 1626	12/03/99		I. How to determine eligibility for farmers and whether a recipient may take into account the costs of running a farm; II. Whether program must determine citizenship for group clients pursuant to LSC's rule on alien eligibility, 45 C.F.R. Part 1626.		8 U.S.C. § 1101 45 C.F.R. Part 1611 45 C.F.R. § 1611.3(d) 45 C.F.R. § 1611.4 45 C.F.R. § 1611.5(b)(1) 45 C.F.R. § 1611.5(b)(1)(C) 45 C.F.R. § 1611.5(b)(2) 45 C.F.R. § 1611.5(b)(2)(D) 45 C.F.R. § 1611.5(b)(3)(A) 45 C.F.R. § 1611.5(b)(3)(B) 45 C.F.R. § 1611.5(c) 45 C.F.R. § 1611.6(d)
§ 1626	08/09/99		Request for an opinion on the application of the LSC's retainer agreement requirement to cases referred by recipients to private attorneys under a recipient's PAI program.	Three Rivers Legal Services	
§ 1626	11/06/98		The Application of Part 1626 to . . . Telephone Information, Advice, and Referral System.		
§ 1626.2(f) § 1626.2(g) § 1626.3 § 1626.4	04/10/98		Whether program must apply income and alien eligibility requirements to its Violence Against Women Act (VAWA) grant (No).		45 C.F.R. Part 1610 45 C.F.R. Part 1611 45 C.F.R. § 1611.3(a) 45 C.F.R. § 1611.3(d)
§ 1626.3 § 1626.6(a) § 1626.7(a)	04/09/98		Whether program may enter into a contract with local courts to provide assistance to person, some of whom may be aliens, who have filed <i>pro se</i> before the court, without the need to comply with the alien eligibility requirements of 45 C.F.R. Part 1626 and the retainer agreement requirement of 45 C.F.R. Part 1611 (Yes).		45 C.F.R. Part 1611 45 C.F.R. § 1611.8(b)
§ 1626	12/05/95		Request for approval of program's PAI Application for Referral.	Legal Aid Society of Northeastern New York, Inc.	

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§ 1626	05/27/94		Response to suggestion that LSC revise its regulation concerning alien eligibility, 45 C.F.R. Part 1626.		
§ 1626	06/11/93		Memorandum for Model Client Retainer Agreement; LSC has prepared a "model client retainer agreement," which may assist legal services programs interested in developing a new agreement or revising their existing agreement.		
§ 1626.4	03/18/93		Applicability of 45 C.F.R. Part 1626 to the International Child Abduction Remedies Act (ICARA).		42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 11601 <u>et seq.</u> 42 U.S.C. § 11601(b)(2) 42 U.S.C. § 11607(b)(2) 45 C.F.R. Part 1611
§ 1626	01/31/92		Response to request for approval of program's revised retainer agreements pursuant to 45 C.F.R. § 1611.8(a).		45 C.F.R. § 1611.8(a) 45 C.F.R. § 1626.5(a)
Missing	07/31/89				
§ 1626	02/13/84		Opinion concerning the application of the requirement 45 CFR 1611.8 of a written retainer agreement where representation is provided by a private attorney who is compensated for services by the program.	Wisconsin Judicare Incorporated	
§ 1626	12/28/83		Whether the requirement for a retainer agreement in the revised 45 CFR 1611 applied to private bar involvement program. The language of 45 CFR 1611.8 does not contain any exception to the retainer agreement requirement for private bar involvement programs.	Legal Services Corporation of Alabama	
§ 1626.1	09/01/83		Whether clients served with Title III (Older Americans Act) funds are subject to Part 1626 verification requirements.		§ 1010(c)
§ 1626.4(a) § 1626.4(b)(1)	07/15/83		Whether a person who entered the United States on a foreign student visa was eligible for legal services.		
Missing	11/28/78				
<b>Part 1627</b>			<b>Subgrants and Membership Fees or Dues</b>		
§ 1627	09/13/10	AO-2010-004	Inclusion of Costs in PAI Subgrant Threshold under 45 CFR Part 1627		

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§ 1627 § 1627.2(b) § 1627.2(g) § 1627.6(a)	01/13/03	EX-2003-1001	Transfer, Subgrant and PAI Questions Involving Technology Grants		§ 1610 § 1610.7(C) § 1610.8 § 1614 § 1614.3
§1627 §1627.1 §1627.2(b) §1627.2(b)(1)	12/13/02	IN-2002-2008 (Released)	Transfer, Subgrant and Subsidy Considerations for LSC Grantees Participating in Statewide Websites using LSC funds. Use of LSC funds for non-programmatic services outside of 1610 & 1627. Subsidy analysis for participation in statewide websites by LSC grantees.		§1610 §1610.1 §1610.2(g) §1610.3(g) §1610.8(a)(2) §1610.8(a)(3)
§ 1627	03/14/01	EX-2001-1004	Whether a grantee may release a subgrant as part of an acquisition (Yes).	Legal Services Organization of Indiana	§1607
§ 1627.4 § 1627.7	06/23/98		Whether § 1627.7 of LSC's regulations would permit program's use of LSC funds to pay dues to the Connecticut Business and Industry Association (CBIA) which are necessary to participate in CBIA's 401(k) pension plan (Yes).		
§ 1627.2(b)(1) § 1627.2(b)(2)	03/08/94		Whether the annual transfer of funds by program to the Volunteers for the Indigent Program (VIP), a pro bono program funded by state bar, constitutes a subgrant pursuant to LSC regulation governing subgrants, 45 C.F.R. Part 1627.		45 C.F.R. Part 1614 45 C.F.R. § 1614.3(d)(9) 45 C.F.R. § 1614.3(e)(1)(iii)
§ 1627.3(a)(1)	04/24/91		Questions from subgrantee: I. Issue of potential conflicts of interest because of dual membership of 3 of program's board members; II. Special grant condition		
§ 1627.4(a) § 1627.4(a)(2) § 1627.4(d)	08/21/89		Whether it is appropriate for program to pay special assessment to local bar association, when the purpose of the assessment is to conduct a public relations campaign on behalf of the local bar association by promoting the use of local attorneys.		42 U.S.C. § 2996f(a)(3) 45 C.F.R. § 1630.4(b)(1)
§ 1627	08/08/89		I. Whether LSC regulations permit the use of LSC funds to train client board members on the contents of state's human rights act; II. Whether the state support center could be directly funded by LSC; III. Whether local grantee has veto power over the state support center to which it subgrants; IV. How can a state support center funded by local program free itself from local biases to meet statewide concerns?		§ 1007(b)(6) 45 C.F.R. § 1612.9 45 C.F.R. Part 1620 45 C.F.R. Part 1630 45 C.F.R. § 1630.4(f)

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§ 1627.3	06/21/89		Opinion concerning the adequate and contemporaneous documentation requirements for expenditure of LSC funds under 45 C.F.R. § 1630.4(a)(9) and whether LSC requires the production of paper receipts in every case, or can the regulation be satisfied by other means?		45 C.F.R. Part 1630 45 C.F.R. § 1630.4(a)(9)
§ 1627.3(e)	03/29/89		I. Extent of LSC's oversight of subgrant under 45 C.F.R. § 1627.3(e)—LSC will exercise oversight sufficient to assure that its funds are being properly spent; II. Concern as to which LSC regulations apply to subgrantee and the LSC funds it receives.		45 C.F.R. Part 1607 45 C.F.R. Part 1614
§ 1627	01/11/88		Response to letter from program that wishes its subgrantee to be given full recipient status by LSC rather than continue in its subgrant status.		45 C.F.R. Part 1630.10
§ 1627	08/30/83		Opinion regarding recipient program's liability for and authority over the activities of state support center and subgrantee.		
<b>Part 1628</b>			<b>Recipient Fund Balances</b>		
§ 1628.3	11/21/95		Memo addressing the disposition of LSC fund balances and property owned by current recipients which will not receive LSC funding in 1996.		45 C.F.R. Part 1628
§ 1628.2(a)(3) § 1628.2(c)	04/26/88		Response to concerns about LSC's fund balance regulation		
<b>Part 1629</b>			<b>Bonding of Recipients</b>		
§ 1629.1(a) § 1629.1(b) § 1629.2(a)	10/26/99		Response to inquiry regarding the purchase of Employee Dishonesty Insurance in lieu of a fidelity bond as required under the LSC regulations.		42 U.S.C. § 2996e(1)(A) 42 U.S.C. § 2996f(3)
<b>Part 1630</b>			<b>Costs Standards and Procedures</b>		
§ 1630	03/25/10	AO-2010-2001	Permissibility of Using LSC Funds to File and Amicus Curiae Brief		§ 1635
§ 1630	03/20/08		Memo: fiscal management and use of LSC funds		
§ 1630.3	02/23/04	EX-2004-1003	Whether LSC funds may be used to provide retroactive payment of wages for hours not worked (no). No opinion on use of non-LSC funds for such purpose.		
§ 1630.3(a)	07/20/00		Whether a program may legitimately use Legal Services Corporation funds as matching funds for its Victims of Crime Assistance Act (VOCA) grant, in light of the fact that VOCA does not permit income eligibility determinations.		
§ 1630	06/15/00		Corrections to program letter 2000-3		



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§ 1630.3(a)(8)	03/13/00		Whether LSC funds can be used for matching Department of Commerce Technology Assistance Program (TOP) grants (Yes).		
§ 1630.3(a)(2) § 1630.3(a)(3) § 1630.3(a)(4) § 1630.3(b) § 1630.3(c) § 1630.5(b)(3)	07/01/99		Whether program may use its LSC funds to support foundation formed solely to raise funds for that program.		45 C.F.R. Part 1610 45 C.F.R. § 1610.8 45 C.F.R. Part 1612
§ 1630	10/22/97		Whether program may use LSC funds as matching funds for a Victims of Crime Act (VOCA) grant.		
§ 1630	03/14/97		Whether LSC funds may be used as a match for a Department of Commerce Telecommunications and Information Infrastructure Assistance Program grant.		
§ 1630	06/15/95		Whether LSC funds may be used for a Department of Agriculture Food Stamp Outreach grant		42 U.S.C. 2996d(e)(2) 42 U.S.C. 2996e(a)(2)
§ 1630	10/14/94		Response to request for review of LSC determination wherein LSC disallowed costs in the amount of \$1355.60 pursuant to 45 C.F.R. Part 1630.		
§ 1630.4(f) § 1630.5(a)	10/07/93		Response to program seeking advance understanding, pursuant to § 1630.4(f), from LSC with respect to proposed settlement of <u>Kruse v. CALSC</u> ---LSC will allow program to enter into a reasonable settlement in case and pay a portion of the settlement with LSC funds.		42 U.S.C. § 1981 42 U.S.C. § 2000e <u>et seq.</u> 45 C.F.R. Part 1616
§ 1630.4(a)(8)	10/01/90		Response to letter requesting reconsideration of decision whether or not to allow use of LSC funds to match Federal developmental disability funds provided to LSC grantees.		
§ 1630.4 § 1630.4(a) § 1630.4(b)	09/22/89		Opinion regarding proposed travel regulation which authorizes payments of fixed fees to program's advisory committee members.		45 C.F.R. § 1607.6
§ 1630.4(f)	08/08/89		I. Whether LSC regulations permit the use of LSC funds to train client board members on the contents of state's human rights act; II. Whether state support center could be directly funded by LSC; III. Whether local grantee has veto power over the state support center to which it subgrants; IV. How can a state support center funded by a local program free itself of local biases to meet statewide concerns.		§ 1007(b)(6) 45 C.F.R. § 1612.9 45 C.F.R. Part 1620 45 C.F.R. Part 1627

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§ 1630.4(a)(9)	06/21/89		Opinion concerning the adequate and contemporaneous documentation requirements for expenditure of LSC funds under 45 C.F.R. § 1630.4(a)(9) and whether LSC requires the production of paper receipts in every case, or whether the regulation can be satisfied by other means.		45 C.F.R. § 1627.3
§ 1630	06/05/89		Whether funds granted by LSC are considered Federal money for the purposes of a Federal prosecution for theft.		42 U.S.C. § 2996b(a) 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2966h(b)(1) 42 U.S.C. § 2996i(c) 18 U.S.C. § 201(a) 18 U.S.C. § 201(a)(1) 18 U.S.C. § 666 18 U.S.C.(d)(2) 42 U.S.C. §§ 5301-5320
§ 1630	12/21/88		MOU between LSC and the Department of Treasury allowing LSC to request from the Treasury a letter of credit in the full amount appropriated by Congress for the fiscal year pursuant to Section 1010.		42 U.S.C. § 2996i
§ 1630.7	07/20/88		What record retention requirements does LSC impose on its grantees?---LSC has no specific regulation concerning record retention, however 45 C.F.R. § 1630.7 allows LSC to review expenditures made by recipients for a period of up to 6 years after the expense was incurred, thus there is an implicit requirement that programs be able to respond to inquiries with documentation supporting claimed expenditures.		26 U.S.C. § 6001 <u>et seq.</u>
§ 1630.5 § 1630.5(b) § 1630.5(b)(3)	07/06/87		Whether under 45 C.F.R. § 1630.5 a recipient must seek approval from LSC prior to entering into a contract with an outside attorney to provide legal representation for that recipient.		45 C.F.R. Part 1606 45 C.F.R. § 1606.4 45 C.F.R. § 1623.4 45 C.F.R. § 1625.4 45 C.F.R. Part 1625
§ 1630.4(f) § 1630.4(f)(2)(i)	11/17/86		Whether under 45 C.F.R. § 1630.4(f)(2)(i) it is necessary to obtain prior approval for a meeting attended primarily by employees of other LSC recipients even if it does not involve political activity.		

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§ 1630.4(f)(1) § 1630.4(f)(2)(i) § 1630.5(b) § 1630.5(b)(1)	10/21/86		I. What type of travel requires prior approval from LSC according to 45 C.F.R. Part 1630? II. Does the requirement in § 1630.5(b)(1) for prior approval of the lease or purchase of property in excess of \$10,000 include real property?		
§ 1630	10/08/85		I. Whether recipient violates any LSC regulation if it's clients did not sign a retainer agreement pursuant to 45 C.F.R. Part 1611, when the form of the retainer agreement submitted thereto was not approved by regional office until 1985; II. Whether payments to judicare attorney would be considered a questioned cost if the attorney was paid out of pocket expenses which were over and above a maximum fee established by an LSC recipient board, even though the total amount paid does not exceed 50% of the local prevailing market rate for that type of service; III. Whether payments to judicare attorney on a bill submitted after prior submission of a bill marked "final bill" would constitute a violation of any regulation or create an issue of questioned costs when the total payments in attorney fees do not exceed 50% of the local prevailing market rate for that type of service.		45 C.F.R. § 1611.8(a)
§ 1630	09/??/80		HHS policy announcement making LSC funds expended for allowable costs pursuant to 45 C.F.R. 74.52 acceptable as non-Federal share to match Title III funds for legal services.		42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 3024(d)
§ 1630	07/30/80		Whether LSC funds may be used to satisfy the "non-Federal share" required by the Older Americans Act. YES.		42 U.S.C. § 2996d(b) 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996d(g) 42 U.S.C. § 2996e(a) 42 U.S.C. § 3024(d)(1)(B) 42 U.S.C. § 3027(a)(15) 12 U.S.C. § 90 45 C.F.R. § 74.53

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1630	05/09/80		HHS Memorandum assessing the question of whether legal services providers under the Older Americans Act can satisfy matching requirements with LSC funds. LSC has maintained that LSC funds are non-federal for matching purposes.		42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 3024(d)
§ 1630	09/02/77		Letter to United National Bank of Washington responding to whether the deposits of LSC constitute "public money and whether LSC may require a national bank to give satisfactory security for the funds deposited. No and No.		42 U.S.C. § 2996d(a) 42 U.S.C. § 2996d(e) 42 U.S.C. § 2996e(a) 12 U.S.C. § 90 31 U.S.C. §§ 846, 856
<b>Part 1631</b>			<b>Expenditure of Grant Funds</b>		
<b>Part 1632</b>			<b>Redistricting</b>		
§ 1632	10/11/89 (Doyle)		Response to request for guidance concerning the application of new redistricting regulation, 45 C.F.R. Part 1632, to 2 companion redistricting cases being handled by program.		
§ 1632	10/11/89 (Durant)		Response to program's request for permission to continue representation of clients in matter, notwithstanding new redistricting rule, 45 C.F.R. Part 1632.		
§ 1632	10/11/89 (Eyerley)		Response to program's request for exemption from application of the new LSC rule on redistricting, 45 C.F.R. Part 1632.		
§ 1632	10/11/89 (Hall)		Response to letter relating to application of the new redistricting regulation, 45 C.F.R. Part 1632, to five pending cases being handled by program---no exemption from adverse action will be granted.		
§ 1632	10/11/89 (McClellan)		Response to letter requesting guidance relating to the application of the new redistricting regulation, 45 C.F.R. Part 1632, to five pending cases being handled by program.		
<b>Part 1633</b>			<b>Restriction on Representation in Certain Eviction Proceedings</b>		
§ 1633	02/06/96		Whether program can represent client in a drug eviction case---currently there is no LSC regulation or grant assurance prohibiting a grantee from representing a client in a drug eviction case, however such a prohibition is being considered and it is quite possible that Congress will include a prohibition on such cases in either a continuing resolution or appropriations act for LSC in the near future.		

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<b>Part 1634</b>			<b>Competitive Bidding for Grants and Contracts</b>		
§ 1634.5	04/09/01		Whether privately-funded, non-profit organization which provides legal services to the poor, based on income eligibility guidelines established by LSC is eligible to apply for grant.		42 U.S.C. § 2996a 45 C.F.R. § 1600.1 45 C.F.R. Part 1611 45 C.F.R. § 1611.3(a) 45 C.F.R. § 1611.3(b) 45 C.F.R. § 1611.4
§ 1634	02/14/00		Whether participation by a recipient staff or board member in the Technology Grants Consulting Group disqualify that recipient from applying for a Technology Grant. Yes, as long as he or she does not sit on the actual review panel for a grant for which his or her program is applying.		
<b>Part 1635</b>			<b>Timekeeping Requirement</b>		
§ 1635	03/25/10	AO-2010-2001	Permissibility of Using LSC Funds to File and Amicus Curiae Brief		§ 1630
§1635 §1635.1 §1635.3(b)(1) §1610 §1610.7(b)(2)	07/19/02	EX2002-1009	Are <i>pro bono</i> coordinators of sub-grantee, not acting as attorneys, subject the time keeping requirements of LSC regulation § 1635? (yes)		

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§1635 §1635.1 §1635.3(b)(1)	06/28/02	EX 2002- 1007	Are <i>pro bono</i> coordinators, not acting as attorneys, subject the time keeping requirements of LSC regulation § 1635? (yes)		
§1635	01/16/01	IN- 2001- 2001	Whether Part 1611 individual eligibility determinations required when recipients provide services that are 'matters' as defined in Parts 1620 (Priorities) and 1635 (Timekeeping) to other recipient services.		§1611 §1620
§ 1635.1 § 1635.3 § 1635.3(b)(1)	11/01/00		Whether public defenders, employed by program with non-LSC funds, are required to comply with the LSC timekeeping requirements (No.)		
<b>Part 1636</b>			<b>Client Identity and Statement of Facts</b>		
<b>Part 1637</b>			<b>Representation of Prisoners</b>		
§ 1637 § 1637.3	06/14/02	EX- 2002- 1006	May a recipient provide brief advice and counsel and/or brief services to incarcerated persons through the intake system? (yes)		§ 504(a)(15)
§ 1637	08/31/01		Whether a program may represent an applicant confined in a mental hospital in light of 45 C.F.R. 1637, LSC's Regulation prohibiting representation of prisoners.		
§ 1637 (missing)	10/20/99		For Opinion re: Atlanta and provision of legal aid to HIV positive Prisoners, see INTERNAL Opinions		45 C.F.R. Part 1610
§ 1637.3 § 1637.4	06/21/99		Whether § 1610.6(b) provides a safe harbor for court appointments to civil cases.		§ 1010(c) 42 U.S.C. § 2996f(b)(2) 42 U.S.C. § 2996f(b)(3) 45 C.F.R. Part 1610 45 C.F.R. § 1610.2(a)(5) 45 C.F.R. § 1610.6 45 C.F.R. § 1610.6(b) 45 C.F.R. Part 1613 45 C.F.R. Part 1615
§ 1637.2(a) § 1637.2(b) § 1637.3 § 1637.4	03/04/99		Whether program would be in violation of 45 C.F.R. Part 1637, concerning the representation of prisoners, if it renews its contract with the 3 <sup>rd</sup> Circuit Court of Michigan to represent persons who are in arrears on their child support and are facing a possible jail sentence under the Court's contempt power.		45 C.F.R. Part 1613 45 C.F.R. Part 1615
§ 1637.2(b) § 1637.3	07/10/98		Whether LSC's regulation on prisoner representation would prohibit program from representing a client who is under house arrest.		

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1637.2(a) § 1637.2(b) § 1627.3	06/26/98		Whether program may provide civil legal representation to prisoners---no, program is prohibited under its LSC grant from providing legal representation to prisoners regardless of whether the representation is funded with LSC or non-LSC funds.		45 C.F.R. § 1610.6
§ 1637	05/29/97		Response to request for assistance in interpreting the restriction on representation of prisoners in civil litigation, in particular whether representation would be allowed: I. on a child support matter for an applicant confined to a mental institution following a criminal trial in which he was found not guilty by reason of insanity; II. for persons released from prison, but who remain under house arrest.		
<b>Part 1638</b>			<b>Restriction on Solicitation</b>		
§1638.2 §1638.4	7/9/03	EX-2003-1011	Program may not engage in activities otherwise defined as in person unsolicited advice as part of an approved program to maintain an ongoing presence in a courthouse to provide advice.		
<b>Part 1639</b>			<b>Welfare Reform</b>		
<b>Part 1640</b>			<b>Application of Federal Law to LSC Recipients</b>		
<b>Part 1642</b>			<b>Attorneys' Fees</b>		
§ 1642.2 § 1642.3	12/08/08	EX-2008-1005	The definition of "attorney fees" provided in 45 C.F.R. § 1642.2 does not extend to guardianship fees granted by the court.	SW Va. Legal Aid Society	§504(a)(13)
§1642.2(a) §1642.3	04/17/08	EX-2008-1002	Whether a recipient is permitted to accept attorneys' fees in Social Security Income or Disability appeal cases (No).	DNA – People's Legal Services, Inc.	
§1642	07/11/06	EX-2006-1004	Application of attorneys fees prohibition in 1642 to fee shifting statutes for landlord tenant leases.		
§1642.4(b)	12/16/05	EX-2005-1003	Withdrawal of footnote 2 of EX-2002-1004. PAI attorneys can claim attorneys' fees even if grantee provides costs, expenses or malpractice insurance.		§1614
§1642 §1642.2 §1643.3	10/27/03	EX-2003-1014	A recipient may claim, or collect and retain attorneys' fees resulting from an award made pursuant to a contractual provision for the award of attorneys' fees.		§504(a)(13)
§1642 §1642.2 §1643.3	07/09/03	EX-2003-1010	A recipient may not claim, or collect and retain attorneys' fees resulting from an award made possible by state laws providing for the reading into contracts of reciprocal attorneys' fees provisions.		§504(a)(13)

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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§1642 §1642.2 §1643.3	03/20/03	EX-2003-1005	A recipient may transfer time records relating to its work for a former client to the former client's new private (non-LSC funded) attorney who seeks to make a claim for attorneys' fees on the recipient's former client's behalf only in cases in which it is the client and not the attorney(s) who has legal ownership over the attorneys' fees. Clarification of 11/99 Opinion.		
§1642.2(d) §1642.3 §1642.4(b)	07/15/02	EX-2002-1008	Drafting pleadings in a way such that a recipient staff attorney, prohibited from collecting attorneys' fees by LSC regulations, may act as co-counsel with a private attorney where the private attorney would like to claim attorneys' fees		§504(a)(13)
§ 1642	05/07/02	EX-2002-1004	How should the program proceed, given the improper collection of attorneys' fees by a private attorney under contract for services in a PAI program?		
§ 1642	09/21/01		QP: Whether a program could accept attorneys' fees stemming from a settlement of a lawsuit involving a creditor of its clients represented in bankruptcy proceedings. A: No, the prohibition on claiming or collecting and retaining attorney's fees in any case on behalf of a client contained in 45 C.F.R. Part 1642 would apply in this case and NMRLS could not, therefore, accept the proffered fees.		
§ 1642.3	03/20/01		Attorneys' fees restriction applies even in situations where recipient has not claimed fees, thus if judge awards unsolicited attorneys' fees, a recipient may not collect and retain them. Acceptance of fees in such circumstances would be clear violation of Part 1642. However, it would be permissible for recipient to recommend that the judge order fees that the program would have been entitled to be paid by defendant directly to a worthwhile charity.		
§ 1642.3	03/19/01		May a recipient endorse a check made payable to itself and one of its staff attorneys when the check is for attorneys' fees earned by the attorney prior to the attorney's employment at the recipient, involving a client not otherwise represented by the recipient and the recipient is listed as a co-payee by mistake? (Yes)		
§ 1642.3	11/12/99		Recipient may provide time and billing records to a new attorney for a client who is seeking fees for a case in which the recipient had earlier been co-counsel.		



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LSC Regulation	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1642.2(a) § 1642.2(b) § 1642.2(d) § 1642.3 § 1642.4 § 1642.4(b)	06/21/99		I. Part 1642 permits a program's staff attorney to work on a case along side a private <i>pro bono</i> attorney who is seeking attorneys' fees as long as staff attorney does not claim, collect or retain fees and does not assign the program's right to fees to the <i>pro bono</i> attorney.  II. Part 1642 permits another private attorney to work on the case as a <i>judicare</i> attorney under your private attorney involvement program (PAI), as long as the attorney does not seek or retain attorneys' fees.		
§ 1642.4(a)	04/06/99 (missing)		Part 1642 allows a recipient to claim attorneys' fees when the case was filed before 4/26/96 by a different recipient but the attorney handling it took it with him when he moved to the current recipient, which entered an appearance as substitute counsel in 1997		
§ 1642.3 § 1642.4(a)	05/13/98		A program may seek attorneys' fees in an administrative ERISA case filed prior to 4/26/96.		29 C.F.R. § 1133 29 C.F.R. § 2560.503-1
§ 1642	08/07/97		Program Letter 97-1 I. A private attorney who co-counsels on a case with an lsc recipient may claim fees, but the recipient may not assign its fees to co-counsel. II. Recipients may not claim attorneys' fees on behalf of the client? III. Recipients may not "collect and retain" attorneys' fees even in cases where courts award attorneys' fees despite the fact that none had been claimed. IV. Recipients may not collect and retain fees from social security cases received after June 11, although such fees coming from the client's award may be immediately passed onto the client. V. Recipients cannot assign attorneys' fees to third parties. VI. Recipients can claim, but not collect and retain, attorneys' fees in child support cases under a contract with the state where the state statute requires contracting providers to seek fees on behalf of the state. VII. Recipients cannot claim attorneys fees even if the failure to assert a claim for attorneys' fees may jeopardize the client's interest in the case,		

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<b>LSC Regulation</b>	<b>Date</b>	<b>Op. #</b>	<b>Opinion Summary</b>	<b>Grantee</b>	<b>Other Sections Referenced</b>
§ 1642.2(a) § 1642.3 § 1642.4(a)	07/29/97 (McCollister)		Fees program received from Social Security cases that were claimed prior to the effective date of the LSC revised regulation on attorneys' fees, 45 C.F.R. Part 1642 can be passed on to the client from whose benefits they come, but cannot be assigned to a third party.		
§ 1642.3 § 1642.4 § 1642.4(a)	07/29/97 (Weiss)		Cases handled by recipient staff on their own time are not covered by the 1642 restriction, but full time attorneys cannot take such cases under 1604.		§ 1007(a)(4) 42 U.S.C. § 2996f(a)(4) 45 C.F.R. Part 1604 45 C.F.R. § 1604.2(b) 45 C.F.R. § 1604.4 45 C.F.R. Part 1610 45 C.F.R. § 1610.7
§ 1642.2(b)(4) § 1642.4(a)	05/20/97		A LSC grantee's presentation of proof of attorney time expended in prosecuting a case at a re-trial on the issue of punitive damages does not violate Part 1642.		
<b>Part 1643</b>			<b>Restriction on Assisted Suicide, Euthanasia, and Mercy Killing</b>		
<b>Part 1644</b>			<b>Disclosure of Case Information</b>		
§ 1644.3(a)(2) § 1644.4(a)	07/13/98		Whether program must disclose information on a case when the client filed a petition for divorce pro se and later sought assistance form program (No).		



# Index of LSC External Opinions—LSC Act

By Section and Date

7/16/2012

All dates are in mm/dd/yr format. January 1, 2002 is 01/01/02

*Research note: This document was prepared for internal reference only by OLA staff familiar with the documents indexed. The entries may be incomplete or not clearly intelligible to others. Some opinions are no longer valid due to changes in the applicable laws, regulations, or other authorities. Some opinions may have been superseded by subsequent opinions or by policy directives. The index is not a substitute for reviewing the actual opinions.*

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LSC Act Sec.	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
<b>Section 1001</b>			<b>Congressional Findings &amp; Declaration of Purpose</b>		
§ 1001(5)	10/08/02	EX-2002-1010	Propriety of Judicial Custody Master Serving on NLS Board of Directors		§1007(a)(1) 42 U.S.C. § 2996(5) 42 U.S.C. § 2996f(a)(1) 45 C.F.R. § 1607.3(h)
<b>Section 1002</b>			<b>Definitions</b>		
§ 1002	10/16/06	EX-2006-1007	Application of Part 1608 to Newly Hired Attorney: whether, if OMLS hires an applicant, may the attorney retain his position as a councilman and whether the attorney could run for reelection for his seat on the Council.	Ocean-Monmouth Legal Services	
§ 1002(7)	03/07/03	EX-2003-1004	Inquiry About Prohibited Political Activity Under 45 C.F.R. Part 1608: whether it would be a violation of 45 C.F.R. Part 1608 for a senior staff attorney to run for a town council position in a partisan political campaign.	Legal Aid Society of Morris County	
§ 1002(8)	11/01/00		Recipient may provide legal assistance to citizen of American Samoa, who otherwise meets eligibility requirements.		
§ 1002	08/25/95		Defines "legal services" for purpose of LSC grants (Legal Aid of Western Missouri)		42 U.S.C. § 2996a(5) 45 C.F.R. Part 1600

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§ 1002 (6) § 1002 (7)	02/28/92		<p>Whether recipient may permit staff attorney to take an unpaid leave of absence to pursue a district judge position. LSC has consistently taken the position that a staff attorney at an LSC program must resign the staff attorney position in order to run for a judicial position that is an elective partisan position.</p> <p>I. Whether program attorney can be candidate for partisan political office (No, attorney considered to be "staff attorney");</p> <p>II. When does someone become candidate for partisan political elective office (Any overt action in furtherance of candidacy for elective public office is technically violation of § 1608.5(c)).</p>		§ 1006(a)(1) § 1006(d)(5) § 1006(e)(2) § 1007(a)(8) § 1007(c) § 1007(g) § 1010(c) 42 U.S.C. § 2996(a)(7) 42 U.S.C. § 2996(e)(2) 42 U.S.C. § 2996(f)(g) 42 U.S.C. § 2996(i)(c) 45 C.F.R Part 1600 45 C.F.R. § 1608.5(c) 45 C.F.R. Part 1618.4(c) 49 Fed. Reg. 21327
<b>Section 1003</b>			<b>Legal Services Corporation</b>		
§ 1003	09/10/97		LSC is not an executive agency, dep't or instrumentality of the federal government, thus not subject to executive order to provide inventory of federally conducted education and training programs.		42 U.S.C. 2996b(a) 42 U.S.C. 2996d(e)(1)
§ 1003	10/07/94		Regarding the propriety of a subrecipient of a grantee charging an administrative fee for legal services to eligible clients. As dictated by the statutory language and, in the absence of clear statutory language, in this case charging eligible clients anything more than a strictly nominal fee for legal assistance is inconsistent with the purposes and intent of the Act. LSC could not properly be used to support a PAI program which charges anything more than a strictly nominal fee to eligible clients.	Prairie state Legal Services, Inc.	

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§ 1003(a) (missing)	06/05/89		LSC is a private corporation but LSC funds are Federal in nature so that when an officer, employee, or agent of an LSC recipient with official programmatic duties steals or embezzles program funds, the matter is properly prosecutable as a Federal crime under Title 18 of the USC.		45 C.F.R. Part 1630 § 1003(a) § 1005(e)(1) § 1009(b)(1) 12 U.S.C. § 90 18 U.S.C. § 201 18 U.S.C. § 666 18 U.S.C. § 666(d)(2) 42 U.S.C. § 2996b(a) 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996h(b)(1) 42 U.S.C. § 2996i(c) 42 U.S.C. § 3024(d)(1)(B) 42 U.S.C. §§ 5301- 5320
§ 1003(a)	03/15/79		Discusses filing <i>amicus</i> brief (Advocates for Basic Legal Equality)		§ 1007(a)(5) 42 U.S.C. § 2996b(a) 42 U.S.C. § 2996e(a)(1)(A) 42 U.S.C. § 2996f(a)(5) 45 C.F.R. § 1617.4
<b>Section 1004</b>			<b>Board of Directors</b>		
§ 1004(f)	09/19/89		Responsibility of governor to appoint state advisory council (Rep. Pete Laney-TX)		42 U.S.C. § 2996 42 U.S.C. § 2996c(f) 45 C.F.R. § 1603.4 45 C.F.R. § 1603.5(c) 45 C.F.R. § 1603.6 45 C.F.R. § 1603.8
§ 1004	05/23/89		Discusses monitoring activities, specifically requests for access to personnel files of recipient employees and LSC's authority to collect information on unionization in legal services programs (NOLSW)		§ 1006(b)(2) § 1007(a)(1) § 1007(a)(3) § 1007(a)(4) § 1007(a)(8) 42 U.S.C. 2996e(b)(2) 42 U.S.C. 2996f(a) 42 U.S.C. 2996f(a)(1) 42 U.S.C. 2996f(a)(4) 45 C.F.R. Part 1604 45 C.F.R. Part 1616 45 C.F.R. Part 1618
<b>Section 1005</b>			<b>Officers and Employees</b>		

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LSC Act Sec.	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1005	09/10/97		LSC is not an executive agency, dep't or instrumentality of the federal gov't, thus not subject to executive order to provide inventory of federally conducted education and training programs.		42 U.S.C. 2996b(a) 42 U.S.C. 2996d(e)(1)
§ 1005(e)(2) (missing)	06/15/95		LSC equipment and property are not owned by the government and the OMB has no power to revise LSC's budget requests or to control the manner of LSC expenditures		45 C.F.R. Part 1630
§ 1005(c)	12/02/93		Whether there is potential for conflict of interest when LSC Board member serves as chairperson on recipient board (Vermont Legal Aid) (No).		42 U.S.C. § 2996d(c) 5 C.F.R. Part 2635 45 C.F.R. Part 1601 45 C.F.R. § 1601.11
§ 1005	09/28/93		Whether the use of LSC funds to organization ("Community Activists for Christ") would violate the Establishment Clause (Delaware County Legal Assistance) (No).		42 U.S.C. § 2000e-1 42 U.S.C. § 2996d(e)(1) 45 C.F.R. Part 1611.5(c)(1)
§ 1005	05/13/92		LSC not subject to Regulatory Flexibility Act because it is not an agency of the Federal Government (R. Wendell Moore)		5 U.S.C. § 551(1) 5 U.S.C. §§ 601-12 5 U.S.C. § 602 42 U.S.C. § 2996 42 U.S.C. § 2996d(e)(1)
§ 1005	11/15/91		Partial denial of access by the Corporation's FOIA officer to records. Records not releasable under Privacy Act (Fred Diamondstone)		5 U.S.C. § 301 5 U.S.C. § 552 5 U.S.C. § 552a 5 U.S.C. § 552a(4) 5 U.S.C. § 552a(5) 5 U.S.C. § 552b 5 U.S.C. § 552b(5) 5 U.S.C. § 552b(7) 5 U.S.C. § 552b(7)(A) 31 U.S.C. § 9101 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996(g) 45 C.F.R. Part 1602
§ 1005(e)(1)	06/05/89		Whether LSC funds are considered federal money for the purposes of federal prosecution for theft or embezzlement (Edwin L. Laing) (Yes).		45 C.F.R. Part 1630 § 1003(a) § 1009 (b)(1) § 1010(c) 18 U.S.C. § 201 18 U.S.C. § 201(a) 18 U.S.C. § 201(a)(1) 18 U.S.C. § 666 18 U.S.C.(d)(2) 42 U.S.C. §§ 5301-5320

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LSC Act Sec.	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1005	10/25/83		Response to survey on federal agency adjudications conducted by Administrative Conference of the US (although LSC technically is not a federal agency and is not subject to the APA except for FOIA purposes.)		42 U.S.C. § 2996d(e) 42 U.S.C. § 2996d(g) 42 U.S.C. § 2996j 45 C.F.R. Part 1606 45 C.F.R. Part 1623
§ 1005(e)(1) (missing)	09/??/80		HHS policy announcement making LSC funds expended for allowable costs pursuant to 45 C.F.R. 74.52 acceptable as non-Federal share to match Title III funds for legal services.		45 C.F.R. Part 1630
§ 1005d(b), (e)(1), (g) (missing)	07/30/80		Whether LSC funds may be used to satisfy the "non-Federal share" required by the Older Americans Act. YES.		45 C.F.R. § 1630 42 U.S.C. § 3024(d)(1)(B) 42 U.S.C. § 3027(a)(15) 12 U.S.C. § 90 45 C.F.R. § 74.53
§ 1005	07/22/80		Whether news media policy violates First Amendment (Capitol Area Legal Services). OLA cannot advise regarding constitutionality of program policy, but can only advise if program is in violation of LSC Act or regulations. However since LSC is not a gov't entity, the conduct of recipient program not likely to be challenged under constitution.		42 U.S.C. § 2996d(e)
§ 1005(e)(1) (missing)	05/09/80		HHS Memorandum assessing the question of whether legal services providers under the Older Americans Act can satisfy matching requirements with LSC funds. LSC has maintained that LSC funds are non-federal for matching purposes.		45 C.F.R. § 1630
§ 1005(g)	08/06/79		Whether programs funded by LSC are subject to FOIA (Western Kentucky Legal Services). No, legal service programs are not subject to the FOIA, however, they are subject to Part 1619 of LSC's regulations which require disclosure of certain information to the public.		5 U.S.C. § 552 42 U.S.C. § 2996d(g) 45 C.F.R. Part 1619 45 C.F.R. § 1619.2
§ 1005(a) and (d) (missing)	09/02/77		Letter to United National Bank of Washington responding to whether the deposits of LSC constitute "public money and whether LSC may require a national bank to give satisfactory security for the funds deposited. No and No.		45 C.F.R. § 1630 42 U.S.C. § 2996e(a) 12 U.S.C. § 90 31 U.S.C. §§ 846, 856
<b>Section 1006</b>			<b>Powers, Duties, and Limitations</b>		
§1006(e)(2)	09/13/10	EX-2010-003	Candidacy in Local Election without Party Affiliation Not Sufficient to Render Candidacy Permissible under 45 CFR Part 1608		



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§1006(e)(2)	10/16/06	EX-2006-1007	Whether a recipient may hire a staff attorney who already holds elective office consistent with 1608. (Yes.)  Whether the staff attorney, once hired, may run for reelection. (Yes, if nonpartisan office; no, if partisan office.)		§1002(7) 45 CFR § 1608.5(c) 45 CFR §1600.1
§ 1006(b)(3) (missing)	01/12/04	EX-2004-1001	Access to client names, CSR problem codes and retainer agreements.		42 U.S.C. § 2996e(b)(3) 42 U.S.C. § 2996h(d) Pub.L. No. 104-134, §509(h), 110 Stat. 1321, 1321-59 (1996).
§ 1006	01/08/04	EX-2004-1001; IN-2003-2014	Attorney-client privilege and access to recipient client names, problem codes and descriptions of services.		
§ 1006	03/07/03	EX-2003-1004	Inquiry About Prohibited Political Activity Under 45 C.F.R. Part 1608	Warren County Legal Services	
§ 1006	07/30/01		Regarding the propriety of a program releasing information obtained from a client for purposes of eligibility screening, when the client's case was ultimately handled by a private attorney through the program's PAI program.	Appalachian Research & Defense Fund of Kentucky	
§ 1006(b)(3)	01/12/00		Access to client names, CSR problem codes and retainer agreements. **Released Internal Opinion **Superseded by EX-2004-1001		42 U.S.C. § 2996e(b)(3) 42 U.S.C. § 2996h(d) Pub.L. No. 104-134, §509(h), 110 Stat. 1321, 1321-59 (1996).
§ 1006	12/03/92		Whether appointment as chairman of county republican committee violates Chapter 15 of Hatch Act (National Center for the Medically Dependent and Disabled)		5 U.S.C. § 1501-1508 42 U.S.C. § 2996 5 C.F.R. § 151.111(a)
§ 1006(e)(1) § 1006(e)(2)	08/05/92		Whether recipient's participation in "roast" of judge violates LSC Act where judge may become candidate for elective office (Wayne County Neighborhood Legal Services). No, not if recipient's involvement with roast is for sole purpose of raising funds for street law project and has no connection to, nor will benefit judge's campaign.		5 U.S.C. § 1501 5 U.S.C. § 1502 5 U.S.C. § 1502(a)(3) 5 U.S.C. § 1503 45 C.F.R. Part 1608 45 C.F.R. § 1608.3 45 C.F.R. § 1608.4 45 C.F.R. § 1608.5

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§ 1006(e)(2)	07/27/92		Whether staff attorney may be candidate for partisan elective office while on leave without pay (Servicios Legales de Puerto Rico). No, staff attorney may not run for a public partisan elective office (note: distinction drawn between being candidate for party office and being candidate for public partisan elective office.)		5 U.S.C. Chapter 15 5 U.S.C. § 1503 42 U.S.C. § 2996e(e)(2) 5 C.F.R. § 151.101(f) 5 C.F.R. § 151.111(a) 45 C.F.R. § 1608 45 C.F.R. § 1608.5
§ 1006(e)(2)	03/25/92		I. Whether recipient is covered by Hatch Act. (Recipient staff attorneys are covered by Hatch Act) II. Whether recipient employee violated federal law by involvement in partisan political activities. (West Texas Legal Services)		5 U.S.C. Chapter 15 5 U.S.C. § 1502 5 U.S.C. § 1503 5 U.S.C. Chapter 73 5 U.S.C. § 7324 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996e(e)(2) 45 C.F.R. Part 1600 45 C.F.R. Part 1608
§ 1006(e)(2)	03/19/92		Whether recipient employee may run for partisan judicial office where the employee intends to run as an independent candidate (Legal Services Corporation of Alabama)(If employee is staff attorney, the employee may not be candidate in partisan judicial election, even as independent candidate.)		5 U.S.C. Chapter 15 5 U.S.C. § 1502 5 U.S.C. § 1503 5 U.S.C. § 1504-1507 42 U.S.C. § 2996e(e)(2) 45 C.F.R. § 1600
§ 1006(a)(1)(A) § 1006(d)(5) § 1006(e)(2)	02/28/92		Whether recipient may permit staff attorney to take an unpaid leave of absence to pursue a district judge position. LSC has consistently taken the position that a staff attorney at an LSC program must resign the staff attorney position in order to run for a judicial position that is an elective partisan position.  III. Whether program attorney can be candidate for partisan political office (No, attorney considered to be "staff attorney"); I. When does someone become candidate for partisan political elective office (Any overt action in furtherance of candidacy for elective public office is technically violation of § 1608.5(c)).		§ 1002(6) § 1002(7) § 1010(c) 42 U.S.C. § 2996a 42 U.S.C. § 2996a(7) 42 U.S.C. § 2996e(e)(2) 42 U.S.C. § 2996f(g) 45 C.F.R. Part 1600 45 C.F.R. Part 1608 45 C.F.R. § 1608.5(c) 45 C.F.R. § 1608.6(b) 45 C.F.R. § 1618.4 45 C.F.R. § 1618.4(c)

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§ 1006(e) § 1006(e)(2)	01/31/92		Suspension of staff attorney for running as candidate for a partisan elected judicial position was appropriate and does not violate attorney's constitutional rights. (Heart of Texas Legal Services)		5 U.S.C. § 1502 5 U.S.C. § 1503 42 U.S.C. § 2996e(2) 45 C.F.R. Part 1600 45 C.F.R. § 1608.1 45 C.F.R. § 1608.5 45 C.F.R. § 1608.5(c) 45 C.F.R. § 1608.8 45 C.F.R. Part 1612 45 C.F.R. § 1612.5 45 C.F.R. § 1612.12 45 C.F.R. § 1612.12(c)(2) 45 C.F.R. § 1612.12(c)(3) 45 C.F.R. § 1612.12(c)(4) 45 C.F.R. Part 1618 45 C.F.R. § 1618.4 45 C.F.R. § 1618.4(v)
§ 1006(e)(2)	09/11/91		Whether permanent employee of recipient can run for judicial political office while on leave or without pay (Capital Area Legal Services Corporation).		5 U.S.C. Chapter 15 5 U.S.C. § 1502 5 U.S.C. § 1503 5 U.S.C. § 1504-1507 42 U.S.C. § 2996e(e)(2) 45 C.F.R. § 1600
§ 1006	03/27/90		I. Whether attorney employed by recipient program is "staff attorney"; II. If "yes", whether the attorney may be candidate in uncontested democratic primary for state judgeship; III. Whether Hatch Act applies to attorney employees paid with Title III funds under the Older American Act (Stark County Legal Aid Society).  Partially overruled by 2003-1004.		42 U.S.C. § 2996e(2) 45 C.F.R. § 1600 45 C.F.R. § 1608(5)(c)

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§ 1006	04/11/89		Judicial candidacy of staff attorney violates LSC and Hatch Acts (Northeast Ohio Legal Services).		5 U.S.C. § 1502 42 U.S.C. § 2666e(e)(2) 42 U.S.C. § 2996e(b)(1)(B)(2) 42 U.S.C. § 3001 5 C.F.R. § 151.101(g) 5 C.F.R. § 151.121(c) 5 C.F.R. § 151.122(e) 45 C.F.R. Part 1618
§ 1006	03/30/89		Employee of recipient legal services program violates Hatch Act by running in partisan primary election (Charles F. Street).		5 U.S.C. §§ 1501-1508 42 U.S.C. § 2996e(e)(2)
§ 1006	03/30/89		Clarification of law governing employee of recipient program running in partisan primary election (Emily L. Parkman).		5 U.S.C. §§ 1501-1508 42 U.S.C. § 2996e(e)(2)
§ 1006	03/23/89		MSPB has jurisdiction over recipient program staff attorney's candidacy in partisan primary election (Northeast Ohio Legal Services).		5 U.S.C. § 1501 <u>et seq.</u> 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996e(b)(1)(A) 42 U.S.C. § 2996e(b)(5)(B) 42 U.S.C. § 2996e(e)(2) 42 U.S.C. § 2996f(a)(6) 45 C.F.R. Part 1608
§ 1006	02/24/89		School board election is partisan, thus staff attorney prohibited from running in election (Southern Alleghenys Legal Aid).		5 U.S.C. § 1503 42 U.S.C. § 2996e(e)(2)
§ 1006	06/29/88		LSC Act imposes duty to ensure that recipient programs adhere to the highest professional standards (Keystone Legal Services).		42 U.S.C. 2996f(a)(1)

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§ 1006(e)(2)	04/08/88		Whether LSC employees may be involved in political campaigns on their own time (George Bush for President) (Yes, as long as no LSC funds are used and the employees do not identify LSC with their political activities).		§ 1001(5) § 1005(b)(2) § 1006(b)(5)(b) § 1006(d)(3) § 1006(d)(4) § 1006(e)(1) § 1006(e)(2) § 1007(a)(6) 5 U.S.C. Chapter 15 5 U.S.C. §§ 1501-1508 5 U.S.C. § 1502 5 U.S.C. Chapter 73 5 U.S.C. §§ 7321-7327 5 U.S.C. § 7324 42 U.S.C. § 2996 <u>et seq.</u>
§ 1006(e)(2)	03/20/86		Whether director of legal services program can be candidate for position in county other than the one where legal service program is located (Not if it is an elective office filled through partisan political election) (Essex-Newark Legal Services).		42 U.S.C. § 2996e 42 U.S.C. § 2996f 45 C.F.R. Part 1608
§ 1006(e)(2)	03/26/85		Applicability of 45 C.F.R. § 1608.5(c) to staff attorney who holds an elective, nonpartisan public office (no violation) (Rappahannock Legal Services).		5 C.F.R. § 151.101(b) 5 C.F.R. § 151.122(d)(e) 45 C.F.R. § 1608.1 45 C.F.R. § 1608.3 45 C.F.R. § 1608.5 45 C.F.R. § 1608.5(c) 45 C.F.R. § 1608.6
§ 1006(e)(2)	03/20/85		Recipient program's non-attorney employee is not "employee" for purposes of Hatch Act, thus is not prohibited from being candidate for partisan public office so long as LSC is not identified with the political activity (Mississippi Legal Services Coalition).		45 C.F.R. § 1608.4 45 C.F.R. § 1608.5 45 C.F.R. § 1608.5(c)
§ 1006(e)(2)	08/30/84		So long as there is no violation of 45 C.F.R. Part 1608, candidacy for judgeship is non-partisan for purposes of LSC Act and regulations (Allen County-Blackhoof Legal Services Association).		45 C.F.R. § 1608
§ 1006(e)(2)	06/12/84		Whether contract employee can serve as coordinator for national political campaign (Yes) (Donald T. Ubben).		5 U.S.C. § 1502 5 U.S.C. § 1503 45 C.F.R. § 1608.4 45 C.F.R. § 1608.5

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§ 1006(a)(1) § 1006(a)(1)(A) § 1006(a)(1)(B)	05/10/83		Grantee is not entitled to hearing rights under § 1011, since it's grant is not for the provision of legal assistance to eligible clients (National Clients Council).		§ 1002(5) § 1011
§ 1006	02/01/83		Question regarding grant conditions – grantee not entitled to hearing on award since hearings are required only when LSC attempts to withhold financial assistance previously provided (Central Kentucky Legal Services).		45 C.F.R. § 1606.5
§ 1006(b)(1)(B)(3)	02/09/82		Question regarding LSC's professional disciplinary procedures – LSC does not have own set of ethical rules for field attorneys (US Army Court of Military Review).		42 U.S.C. § 2996e(b)(1)(B)(3) 45 C.F.R. Part 1612 45 C.F.R. Part 1618
§ 1006(a)(3)	10/06/81		Concern that LSC funds used to undertake research of broad, general legal nature, unrelated to representation of eligible clients (National Social Science and Law Center).		7 U.S.C. § 2027
§ 1006(e)(2)	09/18/81		Whether LSC Act prohibits private attorney under contract to provide legal services for recipient program, from being candidate for partisan elective public office (No) (Southwest Virginia Legal Aid Society).		§ 1002(7) 45 C.F.R. § 1608.3 45 C.F.R. § 1608.4 45 C.F.R. § 1608.6
§ 1006(c)(1)	08/12/80		LSC not able to participate as amicus in unauthorized practice case (Education Law Center).		42 U.S.C. § 2996e(c)(1)
§ 1006(a) (missing)	07/30/80		Whether LSC funds may be used to satisfy the "non-Federal share" required by the Older Americans Act. YES.		45 C.F.R. § 1630 42 U.S.C. § 2996d(b) 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996d(g) 42 U.S.C. § 3024(d)(1)(B) 42 U.S.C. § 3027(a)(15) 12 U.S.C. § 90 45 C.F.R. § 74.53
§ 1006(e)(2)	01/10/80 (LAND)		Whether staff attorney's candidacy for party nomination as candidate in general election violates LSC Act and regulations (Yes).	Legal Assistance of North Dakota	5 U.S.C. § 151.101 5 U.S.C. § 151.101(g) 5 U.S.C. § 1502(a) 42 U.S.C. § 2996e(e)(2) 45 C.F.R. Part 1608 45 C.F.R. § 1608.5(c)
§ 1006 (missing)	01/10/80 (SELMS)		Client eligibility	Southeast Mississippi Legal Services	

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§ 1006	10/03/79		I. Whether LSC regulations are violated when program employs in-law of the director, where individual has been employed with the program for 2 ½ years, and where the program's board of directors and regional office were aware of the relationship between director and employee prior to the hiring;  II. Whether board member of program is prohibited from becoming attorney for that program (Yes) (Bayou Lafourche Legal Services).		42 U.S.C. § 2996f(a)(3)(1)  § 1007(c) 42 U.S.C. § 2996f(c) 45 C.F.R. § 1607.6
§ 1006(b)(2)	03/20/79		Request to review recipient's by-laws, in particular the process established for board review of employee's involuntary dismissal.		§ 1011 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996j 45 C.F.R. § 1606 45 C.F.R. § 1608.3(a)
§ 1006(a)(1)(A)	03/15/79		Whether LSC objects to recipient's filing of amicus brief in case that could have substantial impact on former and future clients of recipient, but where recipient did not presently represent specific client (Advocates for Basic Legal Equality).		§ 1003(a) § 1007(a)(5) 42 U.S.C. § 2996b(a) 42 U.S.C. § 2996e(a)(1)(A) 42 U.S.C. § 2996f(a)(5) 45 C.F.R. § 1617.2 45 C.F.R. § 1617.4
§ 1006(b)(1)(A)	03/14/79		Questions regarding the collection, maintenance, and reporting of racial and sexual statistics (Charlottesville-Albemarle Legal Aid).		§ 1008(a) 42 U.S.C. 2996e(b)(1)(A) 42 U.S.C. 2996g
§ 1006(b)(3)	03/07/79		Whether audit of client trust accounts by outside auditor violates attorney-client privilege and thus should not be required (Legal Aid Foundation of Long Beach).		42 U.S.C. § 2996e(b)(3)
§ 1006(b)(3)	01/22/79		Conflict of interest between board member and program (Central Florida Legal Services).		§ 1007(c) 42 U.S.C. § 2996e(b)(3) 42 U.S.C. § 2996f(c) 45 C.F.R. § 1607.3(f) 45 C.F.R. § 1607.4(b)
§ 1006	11/15/78		Whether it is appropriate for member of board of directors of legal service program to review individual case files maintained by program (LSC cannot issue binding ethics opinions, but it is LSC's view that such practice is impermissible) (Central Florida Legal Services).		42 U.S.C. § 2996e(b)(3)

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§ 1006(b)(4)	10/12/78		Whether new attorney, who is not yet member of state bar, can be compensated under § 1006(b)(4) (Yes).		42 U.S.C. § 2996e(b)(4)
§ 1006(a)(1)(A)	01/05/78		Whether legal services program may allow persons it does not employ to use office facilities/resources (No).		42 U.S.C. § 2996e
§ 1006(a)(1)(A)	10/19/77		Whether there are legal or ethical problems with program retaining private counsel to handle major litigation (Multnomah Bar Association Legal Aid Service).		45 C.F.R. Part 1609 45 C.F.R. § 1609.5(b) 45 C.F.R. § 1609.7(c)
§ 1006(a)	09/02/77		Letter to United National Bank of Washington responding to whether the deposits of LSC constitute "public money and whether LSC may require a national bank to give satisfactory security for the funds deposited. No and No.		45 C.F.R. § 1630 42 U.S.C. § 2996d(a) 42 U.S.C. § 2996d(e) 12 U.S.C. § 90 31 U.S.C. §§ 846, 856
§ 1006(a)(1)(A) § 1006(c)(1)	06/17/77		Whether legal services programs should file amicus briefs on their own behalf (California Rural Legal Assistance).		§ 1001
§ 1006	05/10/76		Amicus brief (National Clients Council)		



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<b>Section 1007</b>			<b>Grants and Contracts</b>		
§1007(b)(2)	05/08/06	EX-2006-1002	Reporting of criminal cases for CSR purposes and funding of those cases depending on whether they involve offenses that may be punishable by a jail sentence.		§1610 §1613
§1007(c)	01/06/06	EX-2006-1001	Whether "eligible client" board members can have income/assets over the Part 1611 limits?		§1607.3
§1007f(a)(4)	06/10/05	EX-2005-1004	Whether a full-time attorney employed by PRLS who performed civil law notarial services for private persons has violated the outside practice of law requirements of Part 1604. (Yes)	Puerto Rico Legal Services (PRLS)	§ 1618.4(c) § 1604.2(b) § 1604.3(b)
§1007	03/26/03	EX-2003-1006	Priorities Requirements and non-LSC Funds: Whether a new requirement of another funder is consistent with the LSC rules regarding recipient priorities for a grantee.	Legal Services of Eastern Michigan, Inc.	
§1007	03/07/03	EX-2003-1004	Inquiry about prohibited political activity under 45 C.F.R. Part 1608: whether it would be a violation of 45 C.F.R. Part 1608 for a grantee's senior staff attorney to run for a town council position in a partisan political campaign.	Legal Aid Society of Morris County	
§1007(a)(1) (missing)	10/08/02	EX-2002-1010	Propriety of Judicial Custody Master Serving on NLS Board of Directors		§ 1001(5) 42 U.S.C. § 2996(5) 42 U.S.C. § 2996f(a)(1) 45 C.F.R. § 1607.3(h)
§ 1007(b)(1) § 1007(b)(2)	02/16/01		Whether a recipient may enter into contract to represent complainants in criminal domestic violence cases when victims are routinely not represented by prosecutor's office.		42 U.S.C. § 2996b 45 C.F.R. Part 1613 45 C.F.R. § 1613.4 45 C.F.R. Part 1615 45 C.F.R. § 1615.2 45 C.F.R. § 1626.4 45 C.F.R. Part 1633 45 C.F.R. § 1633.3 45 C.F.R. § 1636.2(a)(1) 45 C.F.R. § 1636.2(c) 45 C.F.R. Part 1637 45 C.F.R. § 1637.2(a) 45 C.F.R. § 1637.3
§ 1007	10/07/94		Regarding the propriety of a subrecipient of a grantee charging an administrative fee for legal services to eligible clients.	Prairie State Legal Services, Inc.	

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§ 1007(b)(1)	07/23/93		Review of citizenship certification in retainer agreement (Legal Aid Bureau of Southwestern Michigan).		42 U.S.C. § 2996 et seq. 42 U.S.C. § 2996f(b)(1) 45 C.F.R. Part 1609 45 C.F.R. § 1625.5(a)
§ 1007(a)(8) § 1007(c) § 1007(g)	02/28/92		Whether recipient may permit staff attorney to take an unpaid leave of absence to pursue a district judge position. LSC has consistently taken the position that a staff attorney at an LSC program must resign the staff attorney position in order to run for a judicial position that is an elective partisan position.  IV. Whether program attorney can be candidate for partisan political office (No, attorney considered to be "staff attorney");  I. When does someone become candidate for partisan political elective office (Any overt action in furtherance of candidacy for elective public office is technically violation of § 1608.5(c)).		§ 1002(6) § 1002(7) § 1006(a)(1)(A) § 1006(d)(5) § 1006(e)(2) § 1010(c) 42 U.S.C. § 2996a 42 U.S.C. § 2996a(7) 42 U.S.C. § 2996e(e)(2) 42 U.S.C. § 2996f(g) 45 C.F.R. Part 1600 45 C.F.R. Part 1608 45 C.F.R. § 1608.5(c) 45 C.F.R. § 1608.6(b) 45 C.F.R. § 1618.4 45 C.F.R. § 1618.4(c)
§ 1007(h)	02/11/92		LSC grievance procedures (Ralph Gines).		42 U.S.C. § 2996f(h) 45 C.F.R. Part 1621
§ 1007(b)(9)	02/07/92		Whether recipient may represent parents of minority children who seek dissolution of a school desegregation decree which requires busing (No) (New Orleans Legal Assistance Corporation).		§ 1010(c) 45 C.F.R. Part 1610
§ 1007(a)(4)	12/24/91		Outside practice of law-employee required to give notice and seek approval before engaging in the outside practice of law (Legal Aid Society of Columbus).		§ 1006(b)(2) § 1011 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996f(a)(4) 42 U.S.C. § 2996j 45 C.F.R. Part 1604 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4 45 C.F.R. § 1604.5 45 C.F.R. § 1618.4(b) 45 C.F.R. § 1618.4(c)

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§ 1007(a)(4)	12/20/91		Uncompensated representation of fellow employee -prior notice and approval are required before employee may engage in any outside practice of law (Georgia Legal Services Program).		§ 1006(b)(2) § 1011 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996f(a)(4) 42 U.S.C. § 2996j 45 C.F.R. Part 1604 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4 45 C.F.R. § 1604.5 45 C.F.R. § 1604.5(b) 45 C.F.R. Part 1618 45 C.F.R. § 1618.4(b) 45 C.F.R. § 1618.4(c)
§ 1007(c)	11/26/91		Whether members of board of directors may be paid out-of-pocket expenses for their participation in program sponsored pro bono cases (Legal Services of Eastern Michigan).		42 U.S.C. § 2996f(c) 45 C.F.R. § 1607.6
§ 1007(b)(6) § 1007(b)(7) § 1007(b)(8) § 1007(b)(9) § 1007(b)(10)	07/18/91		Whether recipient may use LSC funds or non-LSC funds to provide representation for putative father seeking to enjoin mother from procuring abortion (LSC recipient may not use LSC funds to provide representation which seeks to prevent abortion, however the use of non-LSC funds appears to be permissible) (Legal Services of Northeast Arkansas).		§ 1010(c) 42 U.S.C. §2996 <u>et seq.</u> 42 U.S.C. § 2996i(c) 45 C.F.R. Part 1610 45 C.F.R. § 1610.3
§ 1007(c)	05/22/91		Application of governing body restrictions to Food Research and Action Center (Governing body requirements in § 1007(c) do not apply to FRAC).		§ 1006(a)(1) § 1006(a)(1)(A) § 1006(a)(3) 42 U.S.C. § 2996a(5) 42 U.S.C. § 2996a(6) 42 U.S.C. § 2996e(a)(1)(a) 42 U.S.C. § 2996f(c) 45 C.F.R. Part 1600 45 C.F.R. Part 1607 45 C.F.R. § 1607.2(b)
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§ 1007	06/15/89		Propriety of staff attorney, who has been appointed guardian ad litem for minor child in divorce proceeding, taking case with her when she ceases employment with recipient (Legal Services of Southeast Nebraska).		§ 1006(b)(3) 42 U.S.C. § 2996e(b)(3) 42 U.S.C. § 2996f(a)(4) 42 U.S.C. § 2996f(a)(10) 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4
§ 1007	03/29/89		IOLTA funds - LSC comments concerning propriety of use of funds provided by the California Legal Services Trust Fund Program by the National Center for Youth Law.		42 U.S.C. § 2996 <u>et seq.</u>
§ 1007	03/23/89		Merit System Protection Board (MSPB) has jurisdiction over matter involving staff attorney actively campaigning for judicial office (Northeast Ohio Legal Services).		42 U.S.C. § 2996 <u>et seq.</u> 5 U.S.C. §§ 1501-1508 42 U.S.C. § 2996e(b)(1)(A) 42 U.S.C. § 2996e(b)(5)(B) 42 U.S.C. § 2996e(e)(2) 42 U.S.C. § 2996f(a)(6) 45 C.F.R. Part 1608
§ 1007	03/17/89		Appropriateness of recipient's participation in case seeking to enjoin enforcement of statute that prohibits abortion from being performed on unemancipated minor unless minor obtains parental consent.		§ 1010(c)
§ 1007	02/23/89		Whether the funds from IOLTA program are public or private (Trust funds are public for purposes of § 1010(c)) (National Center for Youth Law).		§ 1010(c) 42 U.S.C. § 2996i(c)
§ 1007	01/18/89		Whether the funds of state bar's legal services trust are public or private.		
§ 1007(b)(8)	10/20/88		Abortion litigation (National Center for Youth Law)		§ 1002(5) § 1010(c) 42 U.S.C. 2996 <u>et seq.</u> 42 U.S.C. § 2996f 45 C.F.R. § 1610.3 45 C.F.R. § 1625.3(b) 45 C.F.R. § 1630.7(a)
§ 1007(c)	07/28/88		Recipient client board members' eligibility for reimbursement for lost wages (Land of Lincoln).		§ 1006(a) 42 U.S.C. § 2996e 42 U.S.C. § 2996f(c) 45 C.F.R. Part 1607 45 C.F.R. § 1607.6

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§ 1007(c)	05/25/88		Whether board of directors of recipient program must comply with requirement in LSC refunding application that a majority of a recipient's governing body vote to approve LSC's refunding application (Community Action for Legal Services).		42 U.S.C. § 2996(f) 45 C.F.R. Part 1607 45 C.F.R. § 1607.3(a)
§ 1007(a)(2)(c)	04/20/88		I. Whether conflict of interest principles apply equally to legal aid offices and private law firms; II. Whether recipient's acceptance of case is mandatory or permissive where § 1609.3 permits LSC grantees to accept fee-generating case (Legal Services of Northeastern Pennsylvania).		45 C.F.R. Part 1609 45 C.F.R. § 1609.3 45 C.F.R. § 1609.4 45 C.F.R. Part 1620
§ 1007(a)(10) § 1007(b)(1)	02/29/88		Interpretation of LSC rules relating to use of funds by recipient, director of recipient and client of recipient (Robert Brandt).		42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996(a)(5)(A) 42 U.S.C. § 2996f(a)(10) 42 U.S.C. § 2996f(b)(1) 45 C.F.R. Part 1606 45 C.F.R. § 1607.3(a) 45 C.F.R. § 1607.6 45 C.F.R. Part 1609 45 C.F.R. § 1609.4 45 C.F.R. § 1609.5 45 C.F.R. § 1619.4(a) 45 C.F.R. Part 1620 45 C.F.R. Part 1623 45 C.F.R. Part 1625
§ 1007(a)(5) § 1007(d)(3) § 1007(d)(4)	02/16/88		Whether member of board may serve on state legislature (North Mississippi Rural Legal Services).		42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996f(a)(5) 42 U.S.C. § 2996f(d)(3) 42 U.S.C. § 2996f(d)(4) 45 C.F.R. Part 1608 45 C.F.R. § 1608.3 45 C.F.R. Part 1612
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§ 1007(b)(1)	03/25/87		Propriety of allowing judicare attorneys to seek and accept attorneys' fees in social security disability cases (Northwest Minnesota Legal Services).		42 U.S.C. § 401 <u>et seq.</u> 42 U.S.C. § 406(b)(1) 42 U.S.C. § 1381 <u>et seq.</u> 42 U.S.C. § 2996f(b)(1) 45 C.F.R. Part 1609 45 C.F.R. § 1609.4(d)
§ 1007(b)(1)	05/05/86		Question regarding requests for attorneys' fees – whether Senior Legal Services (SLS) is subject to the LSC Act and regulations (US Department of Health and Human Services).		§ 1002(6) § 1006(a)(1)(A) § 1010(c) 42 U.S.C. § 2996 <u>et seq.</u> 42 U.S.C. § 2996a(6) 42 U.S.C. § 2996e(a)(1)(A) 42 U.S.C. § 2996f(b)(1) 42 U.S.C. § 2996i(c) 42 U.S.C. § 3022(4) 42 U.S.C. § 3027(a)(15)(A) 45 C.F.R. § 1609.4(d) 45 C.F.R. § 1610.1 45 C.F.R. § 1610.1(d) 45 C.F.R. § 1610.2 45 C.F.R. § 1610.3
§ 1007(b)(2) § 1007(b)(3)	04/08/85		Propriety of recipient representing clients being compelled to pay child support (Representation in such circumstances is improper, unless very narrow exception applies) (Memphis Area Legal services).		45 C.F.R. Part 1613 45 C.F.R. § 1613.2 45 C.F.R. § 1613.3 45 C.F.R. § 1613.4 45 C.F.R. § 1613.4(a) 45 C.F.R. § 1613.4(b) 45 C.F.R. Part 1615 45 C.F.R. § 1615.2 45 C.F.R. § 1615.3(a)
§ 1007(c)	04/01/85		Propriety of program board member's spouse participating in it's judicare project (Participation violates LSC Act) (West Tennessee Legal Services).		45 C.F.R. § 1607.6

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§ 1007(a)(4)	02/21/85		Whether program may hire part-time attorney to help ease overload (Yes) (Anishinabe Legal Services).		§ 1006(e)(2) 45 C.F.R. Part 1604 45 C.F.R. § 1604.2(a) 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4
§ 1007(c)	02/07/85		Attorney's participation as board member gives rise to appearance of conflict of interest (Legal Aid Service of Broward County)		42 U.S.C. 2996f(c) 45 C.F.R. Part 1607 45 C.F.R. § 1607.3(c)
§ 1007(c)	12/12/84		Whether program can continue to retain law firm of which members of the program's governing board are partners, provided that firm is compensated from non-LSC funds (Legal Aid Society of Mid-New York).		§ 1010(c)
§ 1007	11/13/84		Compensation of attorney board members (Legal Aid Society of Mid-New York)		45 C.F.R. § 1607.6
§ 1007(a)(2)(c) § 1007(d)	08/02/84		Monitoring of grantees (Center on Social Welfare Policy and Law)		§ 1006(b)(1)(A) § 1008(a) § 1010(c) § 1011
§ 1007(c)	07/25/84		Propriety of grantee governing body members also being on that grantees' private attorney panel (Such dual membership is prohibited by LSC Act and regulations) (East Arkansas Legal Services).		45 C.F.R. Part 1614
§ 1007(b)(2)	06/08/84		I. Whether staff of civil unit in county jail may provide library assistance to inmates who wish to use library to research criminal issues or otherwise prepare for criminal proceeding; II. Whether legal services program may provide legal assistance for the purpose of petitioning the court for the expungement of criminal records (Memphis Area Legal Services).		45 C.F.R. Part 1620
§ 1007(a)(2)(C)	06/05/84		Appropriateness of staff attorney's continued representation of non-profit, non-membership corporation under LSC's new eligibility regulations (Legal Services of Middle Tennessee).		45 C.F.R. Part 1611 45 C.F.R. § 1611.4
§ 1007(c)	03/22/84		Propriety of situation where members of program's governing board [or partners in their firms] serve on panel of judicare program receiving subgrants from the program (Capital Area Legal Services Corporation).		

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§ 1007(c)	03/15/84		I. Whether attorneys on board of subgrantor can serve on closed panel of subgrantee; II. Would the answer to #1 be different if the effect is to exclude women and minority attorneys from either the program board or from the judicare panel; III. If the answer to #s 1 and 2 is "no," is the program permitted to advise the bar association that these people cannot be appointed to the program board? (Southeast Louisiana Legal Services Corporation)		45 C.F.R. Part 1607 45 C.F.R. § 1607.2(c) 45 C.F.R. § 1607.5(b)
§ 1007(b)(2)	01/30/84		Whether § 1613 prohibits representing eligible clients in a "plaintiff" or prosecutor role in nominally criminal proceedings resulting from spousal abuse, or in enforcing a spousal and/or child support obligation by a non-support petition or by criminal contempt proceedings (Tidewater Legal Aid Society).		§ 1613.4(b)
§ 1007(c)	11/29/83		Compensation of attorney board members – whether program board members may continue to participate in judicare program where they have been paid established fees for cases handled (No) (Tri-Parish Legal Services Corporation).		
§ 1007(a)(4)(A)	07/01/83		Whether series of proposed activities would violate LSC's prohibition of compensated outside practice of law (Wayne County). Neighborhood Legal Services		42 U.S.C. § 2996f(b)(9) 42 U.S.C. § 2996(3)
§ 1007(b)(9)	12/22/82		Participation or recipient program in actions challenging discriminatory student tracking systems (Charles K. Howard).		
§ 1007(c)	07/01/81		Whether LSC Act prohibits program from retaining private non-profit corporation, whose executive director sits on the program's board, to perform training services for program staff (California Rural Legal Assistance).		
§ 1007(a)(2)(c) § 1007(c)	06/01/81 (WCNLS)		Whether legal services program board may pay the travel expenses of persons who are not program board members to attend regional Clients' Council meetings, or in the alternative, whether the board may pay the travel expenses of Clients' Council officers residing in the community to attend such meetings (Wayne County Neighborhood Legal Services).		42 U.S.C. § 2996 <u>et seq.</u>
§ 1007(b)(7)	06/01/81 (NAACP)		Recipient's participation in desegregation litigation (not permitted) (NAACP Special Contribution Fund).		



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§ 1007(b)(10)	05/01/81		Whether a discharge upgrade proceeding to review a dishonorable discharge based on something other than a conviction for desertion constitutes a "proceeding arising out of...desertion." (National Veterans Law Center)		
§ 1007(b)(7) § 1007(b)(9)	03/26/81		Representation by legal services attorneys of the amicus curiae in litigation (Catholic University Center for National Policy Review).		42 U.S.C. § 2996f, <u>et seq.</u>
§ 1007(b)(10)	02/17/81		Whether LSC Act prohibits staff from conducting community legal education program informing high school students of their rights as they pertain to selective service law (No) (Community Action for Legal Services).		
§ 1007 (missing)	12/17/80		Amicus brief (Catholic University Center for National Policy Review)		
§ 1007	09/18/80		Whether former legal services attorneys may continue to represent clients for a fee in cases taken while still employed by the program (No, LSC Act specifically prohibits such activity) (Legal Services of Southern Piedmont).		42 U.S.C. § 2996f(a)(10)
§ 1007	09/09/80		Whether staff attorneys who represent, by appointment, indigent criminal defendants can keep the proceeds if they perform the work on their own time (West Texas Legal Services).		42 U.S.C. § 2996f(b)(2) 45 C.F.R. Part 1604 45 C.F.R. § 1604.2 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4 45 C.F.R. Part 1613
§ 1007	07/02/80		Situations where board members and legal services staff attorneys are in adversarial relationship (Southeast Louisiana Legal Services).		
§ 1007	05/15/80		Proposed representation of eligible clients in matter of school closings in minority neighborhoods does not violate LSC regulations (Advocates for Basic Legal Equality).		42 U.S.C. § 2996f(b)(9)
§ 1007(b)(7) § 1007(c)	04/09/80		Interpretation of 42 U.S.C. § 2996f(b)(7) (LSC-Philadelphia Regional Office).		§ 1002 42 U.S.C. § 2996(a) 42 U.S.C. § 2996f(b)(7) 45 C.F.R. § 1607.3 45 C.F.R. § 1620.2
§ 1007(a)(5)	02/20/80		Whether there is provision in LSC's 1980 Appropriations Act that prohibits the use of federal funds for publicity or use of funds to support or defeat pending legislation and whether such a provision applies to certain mass mailing planned by recipient program (Lawrence Voit).		42 U.S.C. § 2996f(a)(5)

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§ 1007(a)(10)	01/04/80		Whether former program staff attorney, who is now in private practice, may continue to represent his legal services clients in matters he was involved in while legal services attorney, for a fee (No, such activities strictly prohibited by LSC Act) (East Texas Legal Services).		42 U.S.C. § 2996f(a)(10)
§ 1007(c)	10/03/79		Whether LSC's regulations violated when program continues to employ in-law of director where that individual has been employed with the program for 2 ½ years and where the program's board of directors and the regional office were apprized of relationship prior to the hiring (Bayou Lafourche Legal Services).		42 U.S.C. § 2996f(a)(1) 42 U.S.C. § 2996f(a)(3) 42 U.S.C. § 2996f(c) 45 C.F.R. § 1607.6
§ 1007(b)(8)	09/20/79		Interpretation of § 1007(b)(8) relating to the use of LSC funds for abortion litigation (Representative Dan Lungren).		
§ 1007(b)(6) § 1007(b)(7)	04/02/79		Opinion regarding the training of paralegals and eligible clients (Texas Rural Legal Aid).		§ 1010(c) 42 U.S.C. § 2996f(b)(6) 42 U.S.C. § 2996i(c)
§ 1007(a)(5)	03/15/79		Opinion regarding the filing of amicus brief by recipient (Advocates for Basic Legal Equality).		§ 1003(a) § 1006(a)(1)(A) 42 U.S.C. § 2996b(a) 42 U.S.C. § 2996e(a)(1)(A) 42 U.S.C. § 2996f(a)(5) 45 C.F.R. § 1617.2 45 C.F.R. § 1617.4
§ 1007(b)(8)	03/14/79		Request for information regarding enforcement of § 1007(b)(8) (Rep. Romano Mazzoli).		§ 1010
§ 1007(a)(1) § 1007(a)(3)	03/13/79		Power of regional offices to refuse to approve by-laws that appear unwise as a practical matter, but do not violate the Act or regulations (Atlanta Regional Office).		42 U.S.C. § 2996f(a)(1) 42 U.S.C. § 2996f(a)(3) 45 C.F.R. § 1607.4
§ 1007	01/26/79		I. Whether Board of Directors can delegate to grievance committee its authority to resolve client grievances (Yes); II. Whether the committee can order executive director to take disciplinary action against an employee (Yes); III. What is the purpose of the committee, if it does not consider matters of professional judgement?		45 C.F.R. § 1607.4(b)

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§ 1007(a)(5)(A)	11/15/78		Whether non-attorney may be employed to carry on legislative advocacy for eligible clients of legal services program (Yes) (Peninsula Legal Aid)		42 U.S.C. 2996f(a)(5)
§ 1007(b)(9)	09/12/78		Whether program attorney's involvement in class action by eligible clients seeking to reverse school policy whereby school bus service to black community has been discontinued, while whites in same district have not lost their bus service, is prohibited (Florida Rural Legal Services).		
§ 1007(a)(10)	04/24/78		Whether LSC Act or regulations prohibit attorney from seeking and accepting award of attorney's fees for services performed on case in which attorney was involved while employed by recipient program (No) (Paul Alston).		42 U.S.C. § 1988 42 U.S.C. § 2996f(10) 45 C.F.R. § 1609.3 45 C.F.R. § 1609.7(c)
§ 1007(b)(6)	03/09/78		Recipient's authority to provide assistance concerning a client's employment status (Servicios Legales de Puerto Rico).		45 C.F.R. 1611.5(d)
§ 1007(a)(1)	02/16/78		Whether case review system adopted by program conforms to ethical standards and LSC requirements (Neighborhood Legal Assistance Program).		§ 1006(b)(3) 42 U.S.C. 2996f
§ 1007 (missing)	01/04/78		Outreach efforts (Rep. Robert Kastenmeier)		
§ 1007(b)(8)	12/20/77		Whether recipient's intervention in suit to terminate state payments for abortions violates LSC Act (No) (Legal Aid Bureau - Baltimore).		
§ 1007 (missing)	11/01/77		Is a legal services program a law firm? (Appalachian Research and Defense Fund of Kentucky).		
§ 1007	10/04/77		Whether case supervision and review violates the Code of Professional Responsibility, as interpreted by Texas Courts (Denver Regional Office).		
§ 1007(c)	09/26/77		Whether law professors who are admitted to practice in another state may be counted for purposes of satisfying the "60 percent attorneys" requirement for program governing bodies (Philadelphia Regional Office).		
§ 1007(b)(8)	06/16/77		No violation of § 1007(b)(8) because abortion was therapeutic and the doctors and clinics were willing to provide service (Rep. M. Caldwell Butler).		
§ 1007(b)(1)	05/26/77		Interpretation of regulations that prohibit provision of legal assistance in criminal proceedings (Legal Aid Society of Cincinnati).		§ 1613.4(c) 42 U.S.C. § 2996f(b)(1)
§ 1007 (missing)	04/04/77		Legislative or administrative advocacy		

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§ 1007	03/08/77		Representation in criminal proceedings violates LSC Act and regulations where court appointed recipient program attorney to provide representation without compensation (Legal Aid Society of Neuces County).		45 C.F.R. § 1613.4(a)
§ 1007(a)(1)	12/21/76		LSC policy permits legal service programs to assume the costs of depositions and other expenses necessary for effective litigation on behalf of their clients (University of Maryland School of Law).		42 U.S.C. § 2996f
§ 1007(b)(9)	03/15/76		Applicability of § 1007(b)(9) on military discharge project (Memphis and Shelby County Legal Services Association).		§ 1010(c)
§ 1007(b)(1)	undated		Whether it violates LSC regulations for legal services lawyers to accept appointment without compensation in cases in which state law provides for compensation of private attorneys.		§ 1006(b)(3) 42 U.S.C. § 2996e 45 C.F.R. § 1609.2 45 C.F.R. § 1609.4(c) 45 C.F.R. Part 1620
<b>Section 1008</b>			<b>Records and Reports</b>		
§ 1008 (missing)	08/02/84		Monitoring (Center on Social Welfare Policy and Law).		
§ 1008(a) § 1008(b)	02/13/84		Opinion concerning application requirement of a written retainer agreement where representation is provided by private attorney who is compensated for services by recipient (Wisconsin Judicare).		§ 1007(a)(1) 45 C.F.R. Part 1611 45 C.F.R. § 1611.8
§ 1008(a) § 1008(b) § 1008(e)	08/01/80		Challenge to LSC's legal authority to impose special condition on grant (Community Action for Legal Services).		42 U.S.C. § 2996e(b)(1)(A) 45 C.F.R. Part 1607
§ 1008 (missing)	06/14/76		Reporting requirements (Los Angeles County Bar Association).		
<b>Section 1009</b>			<b>Audits</b>		
§ 1009(d)	01/08/04 (12/31/03 )	EX-2004-1001, IN-2003-2014	Access to client names, CSR problem codes and retainer agreements; Attorney-client privilege and access to recipient client names, problem codes and descriptions of services.		42 U.S.C. § 2996e(b)(3) 42 U.S.C. § 2996h(d) Pub.L. No. 104-134, §509(h), 110 Stat. 1321, 1321-59 (1996).
§ 1009(d)	01/12/00		Access to client names, CSR problem codes and retainer agreements. **Released Internal Opinion **Superseded by EX-2004-1001		42 U.S.C. § 2996e(b)(3) 42 U.S.C. § 2996h(d) Pub.L. No. 104-134, §509(h), 110 Stat. 1321, 1321-59 (1996).

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§ 1009(d)	05/24/77		Attorney-client privilege (Legal Aid Society of Birmingham)		42 U.S.C. § 2996h(d) 45 C.F.R. § 1611.6(c)
§ 1009(d)	09/08/76		Confidentiality of records – appropriate scope of state audit review of the identity of clients of legal services programs and of financial eligibility information provided by them in order to qualify for representation.		§ 1008(a)
§ 1009(d)	06/14/76		Confidentiality of records (Los Angeles County Bar Association).		§ 1008
<b>Section 1010</b>			<b>Financing</b>		
§ 1010(c)	03/06/09	EX-2009-1001	1610.6 exception applies to separately funded civil right to counsel family law program funded through public defender office and providing counsel in cases related to actual or potential criminal cases.	Legal Services New York City	45 CFR 1610.6 §1010(c); 42 U.S.C. § 2996i(c); Pub.L. No. 104-134, §504, 110 Stat. 1321, 1321-53-56 (1996)
§ 1010(c)	07/20/00	EX-2000-1017	Whether a recipient program may procure a contract with a county government to provide "Public-Defender type services," in cases where applicants present a conflict of interest to the local public defender's office.		45 CFR 1613.3 45 CFR 1610
§ 1010 (missing)	12/20/91		Disciplinary procedures and unauthorized outside practice of law - Georgia Legal Services Program. (Missing opinion).		
§ 1010 (missing)	07/31/89		Use of non-federal funds for aliens (Laurier McDonald). (Missing opinion).		

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§ 1010(c)	06/05/89		Whether LSC funds are considered federal money for the purposes of federal prosecution for theft (Edwin L. Laing).		45 C.F.R. Part 1630 § 1003(a) § 1005(e)(1) § 1009(b)(1) 12 U.S.C. § 90 18 U.S.C. § 201 18 U.S.C. § 666 18 U.S.C. § 666(d)(2) 42 U.S.C. § 2996b(a) 42 U.S.C. § 2996d(e)(1) 42 U.S.C. § 2996h(b)(1) 42 U.S.C. § 2996i(c) 42 U.S.C. § 3024(d)(1)(B) 42 U.S.C. §§ 5301-5320
§ 1010	03/29/89		Propriety of use of IOLTA funds (State Bar of California)		
§ 1010	03/29/89		LSC oversight – subgrant to MVLS (Legal Aid Bureau).		45 C.F.R. Part 1607 45 C.F.R. Part 1614 45 C.F.R. § 1627.3(e)
§ 1010	03/17/89		Whether recipient would seek a ruling from IOLTA program about the appropriateness of LSC's participation in litigation (Yes).		
§ 1010(c)	02/23/89		Recipient must cease involvement in case seeking right of minors to obtain nontherapeutic abortions without parental consent (National Center for Youth Law).		42 U.S.C. § 2996i 42 U.S.C. § 2996i(c)
§ 1010 (missing)	12/21/88		MOU between LSC and the Department of Treasury allowing LSC to request from the Treasury a letter of credit in the full amount appropriated by Congress for the fiscal year pursuant to Section 1010. (Missing opinion).		45 C.F.R. § 1630
§ 1010 (missing)	12/10/87		Restrictions on use of private funds (Sen. Robert Stafford). (Missing opinion).		42 U.S.C. § 2996d(e) 42 U.S.C. § 2996e(a)(1)(A)(ii) 45 C.F.R. Part 1612 45 C.F.R. § 1612.13
§ 1010(c)	05/08/87		LSC recipient as federal agency (Wayne County Neighborhood Legal Services)		

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LSC Act Sec.	Date	Op. #	Opinion Summary	Grantee	Other Sections Referenced
§ 1010(c)	03/15/85		non-LSC funds (Fresno County Administrative Officer)		42 U.S.C. § 2996i 45 C.F.R. Parts 1600-1629 45 C.F.R. Part 1609 45 C.F.R. § 1609.6 45 C.F.R. Part 1610 45 C.F.R. § 1610.2 45 C.F.R. § 1610.3
§ 1010(c)	08/02/84		Monitoring recipient - Ford Foundation grant (Center on Social Welfare Policy and Law)		§ 1006(b)(1)(A) § 1007(a)(2)(C) § 1007(d) § 1008(a)
§ 1010 (missing)	06/08/84		Representation in criminal proceedings (Memphis Area Legal Services). (Missing opinion).		
§ 1010	08/23/83		Citizenship attestation requirement		45 C.F.R. § 1626.5
§ 1010(c)	07/08/81		Application of § 1010(c) to funds recipient will receive under a grant from Ford Foundation (National Consumer Law Center).		42 U.S.C. § 2996i(c)
§ 1010	03/15/76		Whether organization can honor contract commitment without violating § 1007(b)(1), which prohibits the use of LSC funds to provide representation in criminal proceedings.		§ 1007(b)(1)
<b>Section 1011</b>			<b>Special Limitations</b>		
§ 1011	12/20/91		Prior notice and approval are required before an employee may engage in any outside practice of law.		§ 1006(b)(2) § 1007(a)(4) 42 U.S.C. § 2996e(b)(2) 42 U.S.C. § 2996f(a)(4) 42 U.S.C. § 2996j 45 C.F.R. Part 1604 45 C.F.R. § 1604.3 45 C.F.R. § 1604.4 45 C.F.R. § 1604.5 45 C.F.R. § 1604.5(b) 45 C.F.R. Part 1618 45 C.F.R. § 1618.4(b) 45 C.F.R. § 1618.4(c)
<b>Section 1012</b>			<b>Coordination</b>		
<b>Section 1013</b>			<b>Reservation of Right to Appeal, Alter, or Amend</b>		