

Memorandum

To: All Legal Services Corporation Program Directors

From: John A. Tull, Director
Office of Program Operations

Date: December 8, 1997

Ref: **Recordkeeping Requirements**

During 1997, the Legal Services Corporation (“LSC or Corporation”) Board of Directors

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Further, the Corporation reminds recipients that in 1996, the LSC's 1996 Appropriations Act Pub-L-104-134, 110 Stat.1321 (April 26, 1996), required LSC recipients to make available a wide range of records to any independent auditor or monitor receiving Federal funds who is conducting auditing or monitoring, including any auditor or monitor of the Corporation. This requirement has been continued in subsequent appropriations acts and is currently in force. Thus, all documentation and forms pertaining to the attached recordkeeping requirements should be made available to Corporation staff, and to any authorized auditor or monitor.

Thank you for your immediate attention to these requirements.

45 C.F.R. § 1609.4

Recordkeeping

1. Pursuant to 45 C.F.R. § 1609.4, the recipients should maintain written policies and procedures to

Name of Principal Advocate: _____ Date completed: _____

This form should be used each time the recipient takes a fee generating case and should capture the reason why the case was taken.

¹ Supporting a training does not include paying a fee to attend a training put on by

**SEMI-ANNUAL REPORT ON LEGISLATIVE AND RULEMAKING
ACTIVITIES CONDUCTED PURSUANT TO 45 C.F.R. § 1612.6**

Instructions:

**SEMI-ANNUAL REPORT ON LEGISLATIVE AND RULEMAKING
ACTIVITIES CONDUCTED PURSUANT TO 45 C.F.R. § 1612.6**

Recipient Name: _____

Recipient Number: _____

Recipient Period: _____

<u>Type of Activity</u>	<u>Section of 1612.6</u>	<u>Date(s)</u>
_____	_____	_____

Description: _____

<u>Type of Activity</u>	<u>Section of 1612.6</u>	<u>Date(s)</u>
_____	_____	_____

Description: _____

<u>Type of Activity</u>	<u>Section of 1612.6</u>	<u>Date(s)</u>
_____	_____	_____

Description: _____

<u>Type of Activity</u>	<u>Section of 1612.6</u>	<u>Date(s)</u>
_____	_____	_____

Description: _____

45 C.F.R. § 1617.4

Recordkeeping

1. Pursuant to 45 C.F.R. § 1617.4, the recipient shall maintain written policies and procedures to guide its staff in complying with 45 C.F.R. Part 1617.
2. Maintain a list of class action cases where the recipient or recipient attorney is attorney of record and is involved in non-adversarial activities. Such list should contain the following information:
 - case name;
 - court; and
 - status of the case, including description of the non-adversarial activities.

45 C.F.R. § 1620.7

Recordkeeping

Pursuant to 45 C.F.R. § 1620.7, the recipient shall maintain of the following:

1. Policies and procedures pertaining to 45 C.F.R. Part 1620, including:
 - (a) written procedures adopted by the governing body for establishing priorities for the use of LSC and non-LSC resources;
 - (b) written policies and procedures adopted by the governing body to guide the recipient in undertaking emergency cases or matters not within the recipient's established priorities.
2. Board minutes indicating the annual review of priorities by the Board of Directors and copies of any written documents accompanying the review.
3. Written statement of priorities adopted by the governing body.
4. Annual report summarizing the review of priorities detailing the information outlined in §1620.7(c).
5. Signed written agreements by all staff who handle cases or matters, or are authorized to make decisions about case acceptance. This agreement must indicate that the signatory: has read and is familiar with the priorities of the recipient; has read and is familiar with the definition of an emergency situation and the procedures for dealing with an emergency that have been adopted by the recipient; and will not undertake any case or matter for the recipient that is not a priority or an emergency.
6. Board minutes or written documents indicating that quarterly reports were sent or presented to the recipient's governing body on all emergency cases or matters undertaken that were not within the recipient's priorities, and indicating that the quarterly reports included a rationale for undertaking each such case or matter and copies of any written documents accompanying the reports.
7. Annual report to the Legal Services Corporation on all emergency cases or matters undertaken that were not within the recipient's priorities.

ANNUAL REPORT OF NON-PRIORITY CASES
Pursuant to 45 C.F.R. § 1620.7(b)²

Recipient Name

Recipient Number

Total Number of emergency non-priority cases opened: _____

Total Number of emergency non-priority matters opened: _____

Executive Director

Date

² Report due on January 31, for the prior year,

45 C.F.R. § 1626.12

Recordkeeping

1. Pursuant to 45 C.F.R. § 1626.12, the recipient shall maintain written policies and procedures to guide its staff in complying with 45 C.F.R. Part 1626. The recipient shall maintain records sufficient to document the recipient's compliance with Part 1626.
2. Unless the only service that is provided is brief advice and telephone consultation, the recipient shall maintain in each client's file copies of the documents required by this regulation to determine citizenship or eligible alien status. If the client is a citizen at a minimum, this requires a signed citizenship attestation form maintained in each client's file for verification of citizenship. If the recipient has reason to doubt that the client is a U.S. citizen, then documentation that citizenship was verified in accordance with § 1626.6(b) shall be maintained in the client's file. If the client is not a U.S. citizen, then documentation shall exist in the client's file supporting a determination of eligible alien status.
3. Where compliance with §§ 1626.6 or 1626.7 is delayed because of emergency circumstances under § 1626.8, the recipient shall include in the client's file written documentation that details the nature of the emergency.

45 C.F.R. § 1627.8

Recordkeeping Subgrants and Membership Fees or Dues

Pursuant to 45 C.F.R. § 1627.8, the recipient shall maintain written policies and procedures to guide its staff in complying with 45 C.F.R. Part 1627.

45 C.F.R. § 1633.4

Recordkeeping

1. Pursuant to 45 C.F.R. § 1633.4, the recipient shall maintain written policies and procedures to guide its staff in complying with 45 C.F.R. Part 1633.

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FORM

(Please include in each case file involving these issues)

45 C.F.R. § 1633.4

45 C.F.R. § 1636.5

Recordkeeping Client Identity and Statement of Facts

45 C.F.R. § 1637.5

Recordkeeping Representation of Prisoners

1. Pursuant to 45 C.F.R. § 1637.5, the recipient shall maintain written policies and procedures to guide its staff in complying with 45 C.F.R. Part 1637 .
2. Maintain a list of cases in which the recipient is representing incarcerated clients, in litigation or administrative proceedings challenging the conditions of incarceration.

45 C.F.R. § 1642.6

Recordkeeping Attorneys' Fees

1. Pursuant to 45 C.F.R. § 1642.6, the recipient shall maintain written policies and procedures to guide its staff in complying with 45 C.F.R. Part 1642.
2. For each case in which a recipient receives an award of attorneys' fees as defined in §1642.2, the recipient shall include in the accounting records documentation indicating that the case was filed prior to April 26, 1996.
3. In accordance with § 1642.2(b)(1), for each case in which a recipient receives compensation for representation in a case where the recipient or an employee of a recipient has been appointed to provide the representation pursuant to a statute or court rule or practice of equal applicability to all attorneys in the jurisdiction, the recipients shall include in the client's file copies of the court order directing that the recipient or employee of the recipient provide representation in the case and a copy of the statute or court rule that permits such appointment. If the appointment was made orally or was subject to an unwritten practice, the recipient should include an appropriate written description of the appointment or practice, as the case may be.
4. In accordance with § 1642.2(b)(4), for each case in which a recipient receives reimbursement for out-of-pocket costs and expenses that come out of the client's recovery of damages or statutory benefits, the recipient shall include in the client's file or elsewhere a copy of the retainer agreement or other document indicating that the client has agreed to reimburse the recipient for such costs and expenses.
5. As part of its recordkeeping system, the recipient shall maintain a separate file that identifies all attorneys' fees received.