

**COMMENTS ON LSC'S REGULATORY AGENDA FOR 2005-2006**

**SUBMITTED BY  
THE CENTER FOR LAW & SOCIAL POLICY  
ON BEHALF OF  
THE CIVIL POLICY GROUP  
OF THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION**

We would also like to comment on several regulations that we are not recommending should be part of the Committee and Board's regulatory agenda at this time. With regard to **Parts 1607 and 1616 (Governing Bodies and Attorney Hiring)**, suggestions have been made that

process and the large number of fairly contentious issues that the reg-neg process failed to resolve, we urge the Board not to take up Part 1626.

## **RECOMMENDATIONS FOR REGULATORY ACTION**

Despite our suggestion that LSC should not undertake any regulatory action absent a compelling need, we recognize that LSC has asked for affirmative recommendations for regulatory action. Therefore, we make the following comments on possible revisions to several current regulations.

**PART 1610—Program Integrity:** In keeping with Clint Lyons' January 11, 2005, letter to LSC in the wake of the *Dobbins* decision, we urge LSC to make minor revisions to Part 1610 (§1610.8) or to its interpretation to make it consistent with Judge Block's decision in *Dobbins/Velazquez*. Such changes would make the terms of the decision applicable to all recipients, not just to the plaintiffs in the case. These revisions could be made on an interim basis, pending the outcome of the appeal in the case.

**Part 1621—Client Grievance Procedures:** We suggest that LSC could resume work on revisions to Part 1621 that were begun in the early 1990s and that were published for notice and comment in 1994. In addition to the revisions that were proposed previously, there may be other provisions of the rule that should be revisited. For example, it would be helpful to make it clear that it is not necessary to have an "in-person" hearing for complaints about quality of service. Although the current rule does not specifically require such an in-person hearing, it does require that the complainant have an opportunity to submit an oral and written statement to a board grievance committee and that the complainant may be accompanied by another person, both of which do suggest that an in-person hearing. With the geographical expansion of many programs as a result of mergers, it has become much more difficult and time-consuming to convene in-person hearings of board committees. At the same time, significant advances in technology, that have been made since the rule was first adopted in the 1970s and the revisions were first proposed in the early 1990s, have made communication much easier and made in-person hearings less necessary.

**Part 1624—Handicap Discrimination:**

