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Patrick McIntyre
Executive Director

June 24, 2005

Mattie C. Condray
Senior Assistant General Counsel
Office of Legal Affairs
Legal Services Corporation
3333 K. Street N.W.
Washington, D.C. 20007-3522

Re: Notice of Proposed Rulemaking (NPRM) – 45 CFR Part 1611

Dear Ms. Condray:

I am writing on behalf of the Northwest Justice Project (NJP), the statewide LSC-funded program for Washington state, regarding the proposed changes to 45 CFR Part 1611. Recognizing that this NPRM represents the culmination of a multi-year effort, including a negotiated rulemaking (reg-neg) process, NJP concurs with other commenters that the proposed rule is generally quite positive. The rule, if adopted as proposed, will confer more flexibility upon grantees while lessening administrative burdens. In particular, we would like to offer the following observations/comments:

- € The decision not to incorporate Section 509(h) language concerning monitors' access to related records is a sound one and should be adhered to;
- € The decision not to require a client service notice for brief service, and to make explicit that no such notice or retainer is required is extremely important and very much appreciated and will allow us to direct our limited resources to actual service activities;
- € The decision to permit grantees to represent groups that have the provision of services to financially eligible clients as a primary activity is highly practical and extremely welcome.

With regard to the last point noted (group representation), we do agree with other comments we have seen that the purpose of the proposed new language in §1611.6(b)(1)(i) [*i.e.*, concerning “characteristics of the persons served”] is quite unclear and likely to produce a significant degree of confusion and dis-uniformity in practice. Accordingly, we would respectfully urge LSC to retain the the reasonability standard that

June 24, 2005

Mattie C. Condray – 45 CFR Part 1611

Page 2

is set forth in the regulation in its current form.

Thank you for the opportunity to comment.

Sincerely,

Patrick McIntyre
Executive Director

c: Board of Directors
General Counsel
Director of CLEAR
Advocacy Coordinators