











Commenter: Linda Warren Seely, Memphis Area Legal Services

Linda Warren Seely is the Director of Pro Bono Projects at Memphis Area Legal Services, an LSC grantee, and the President of the Memphis Bar Association. She submitted comments on behalf of the Memphis Bar Association Access to Justice Committee. These comments were limited to Topic 1 and discuss the following:

- the success of the Memphis Saturday Legal Clinic,
- the interest of volunteers and externs from law schools, paralegal schools, and undergraduate schools to volunteer with Memphis Area Legal Services,
- the availability of paralegals to handle social security disability hearings pro bono,
- permitting counting for PAI purposes training, supervision, and other work related to non-attorney volunteers in pro bono activities,
- using pilot programs to look for unintended consequences, fraud, or waste, and
- concerns about LSC requirements discouraging private attorneys from volunteering.

Commenter: William Tanner, Legal Aid Society of Orange County (Calif.)

William Tanner is a Directing Attorney at the Legal Aid Society of Orange County (LASOC) in California. LASOC's comments involve Topic 1, especially incubator programs. LASOC discusses the importance of involving law students, recent graduates, and newly admitted attorneys in public interest work, including paid work in pro bono and "low bono" incubator programs providing service to low- and moderate-income communities. LASOC also discusses how the current definition of private attorney in Part 1614 does not account for these types of volunteer activities.

LASOC also noted the following three concerns regarding fraud, waste, or abuse:

- avoiding excessive emphasis on law students instead of admitted attorneys by setting proportional limits on the use of law students or the amount of PAI funds used for student or deferred associate efforts,
- setting clear limits on counting the work of former legal aid program staff attorneys in PAI activities (within two years of departure from the LSC-funded legal aid program), and
- setting clear rules for involving attorneys in paid PAI programs when they have little or no other professional income and might otherwise not qualify as "private attorneys" under the PAI rule if they are paid by the LSC grantee.

Commenter: David Udell, National Center for Access to Justice

David Udell is the Executive Director of the National Center for Access to Justice and Visiting Professor from Practice at Cardozo Law School. Mr. Udell submitted comments on Topic 1 supporting the recommendation. Mr. Udell's comments emphasize the importance of including law students in pro bono programs that qualify for PAI credit.