

External Opinion
File # 99-05

336-8817

March 4, 1999

Deierdre L. Weir, Executive Director
Legal Aid and Defender Association of Detroit
Penobscot Building
645 Griswold, Suite 3466
Detroit, Michigan 48226-4216

Dear Ms. Weir:

This is a response to your request for an opinion on whether the Legal Aid and Defender Association of Detroit (LADA) would be in violation of 45 C.F.R. Part 1637 (Representation of Prisoners), if it renews its contract with the Third 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.

Your letter does not provide sufficient information on the terms and scope of the contract agreement with the Court to provide a definitive response. However, I provide the following guidance on the scope of the restriction on representation of prisoners in 45 C.F.R. Part 1637.

local prison means any penal facility maintained under governmental authority. 1637.2(b).

contract with the Court may be renewed. Please let me know if you have any questions or need additional assistance.

Sincerely,

Suzanne B. Glasow
Senior Assistant General Counsel